

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**LORRI S KINART**  
Claimant

**APPEAL NO. 14A-UI-02527-MT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**PELLA CORPORATION**  
Employer

**OC: 02/16/14  
Claimant: Appellant (1)**

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871 IAC 24.28(6) – Previously Adjudicated Issue

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated February 27, 2014, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on March 28, 2014. The claimant did participate with witness John Kinart. The employer did participate through Diane Carpenter, Human Resource Representative and Monica Whitehead, Department Manager. Exhibits One through Twelve and A were admitted to the record.

**ISSUE:**

The issue in this matter is whether the claim was previously adjudicated.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on July 25, 2013.

Claimant resigned on July 25, 2013 by employer because her husband moved to a new job and she wanted to follow.

This matter was adjudicated in a decision dated October 18, 2013, reference 01 and that decision is final.

**REASONING AND CONCLUSIONS OF LAW:**

871 IAC 24.28(6) provides:

Voluntary quit requalifications and previously adjudicated voluntary quit issues.

(6) The claimant voluntarily left employment. However, there shall be no disqualification under Iowa Code section 96.5(1) if a decision on this same separation has been made on a prior claim by a representative of the department and such decision has become final.

In this matter, the evidence has established that the claim was previously adjudicated by decision of October 18, 2013, reference 01. The bureau is without authority to rehear this matter as a decision was issued on the merits and is final. The issue cannot be adjudicated a second time.

**DECISION:**

The decision of the representative dated February 27, 2014, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

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Marlon Mormann  
Administrative Law Judge

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Decision Dated and Mailed

mdm/pjs