

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

SHEILA A MOHR
Claimant

OPTIMAE LIFESERVICES INC
Employer

APPEAL 21A-UI-17510-AR-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/21/21
Claimant: Appellant (2)

Iowa Code § 96.6(3) – Appeals
Iowa Admin. Code r. 871—24.19(1) – Determination and Review of Benefit Rights
Iowa Admin. Code r. 871—24.28(6-8) – Prior Adjudication
Iowa Code § 96.6(2) – Timeliness of Appeal

STATEMENT OF THE CASE:

The claimant, Sheila A. Mohr, filed an appeal from the June 22, 2021, (reference 01) unemployment insurance decision that denied benefits based upon a decision in a prior benefit year for the same separation. The parties were properly notified of the hearing. The parties waived notice of the issue of timeliness on the record. A telephone hearing was held on October 5, 2021, and was consolidated with hearings for appeal numbers 21A-UI-17511-AR-T and 21A-UI-17512-AR-T. The claimant participated personally. The employer, Optimaee LifeServices, Inc., participated through Idah Newquist. Claimant’s Exhibit A was admitted to the record. The administrative law judge took official notice of the administrative record.

ISSUE:

Was the separation adjudicated in a prior claim year?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The separation at issue has been adjudicated in a prior claim year effective March 22, 2020, as the unemployment insurance decision dated August 5, 2021, reference 02. That decision in favor of the employer has been reversed.

The claimant received the disqualification decision at issue here around 10 days after it was mailed to her. She thought she had appealed it as soon as she received it. The administrative record indicates this decision was appealed at the same time as the two other decisions claimant received. The decision stated that an appeal must be submitted by July 2, 2021. The appeal was not submitted until August 9, 2021.

REASONING AND CONCLUSIONS OF LAW:

As a preliminary matter, the claimant's appeal shall be accepted as timely. The outcome of this inquiry is dependent upon the decision issued in the prior claim year. Accordingly, consistency demands that this appeal be accepted as timely and the merits addressed.

For the reasons that follow, the administrative law judge concludes the separation at issue has been adjudicated in a prior claim year.

Iowa Admin. Code r. 871—24.19(1) provides:

Claims for benefits shall be promptly determined by the department on the basis of such facts as it may obtain. Notice of such determination shall be promptly given to each claimant and to any employer whose employment relationship with the claimant, or the claimant's separation therefrom, involves actual or potential disqualifying issues relevant to the determination. . . . The notice of appeal rights shall state clearly the place and manner for taking an appeal from the determination and the period within which an appeal may be taken. Unless the claimant or any other such party entitled to notice, within ten days after such notification was mailed to such claimant's last-known address, files with the department a written request for a review of or an appeal from such determination, such determination shall be final.

Inasmuch as the current decision is in conflict with the prior claim year decision, the current decision is reversed.

DECISION:

The June 22, 2021, (reference 01) unemployment insurance decision is reversed. The prior decision on the separation remains in effect.



Alexis D. Rowe
Administrative Law Judge

October 8, 2021
Decision Dated and Mailed

ar/scn