

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

AMY S CONRAD
Claimant

APPEAL NO. 10A-UI-12115-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TEAM STAFFING SOLUTIONS INC
Employer

OC: 08/01/10
Claimant: Appellant (2-R)

Iowa Code Section 96.6(4) – Previously Adjudicated Issue

STATEMENT OF THE CASE:

Amy Conrad filed a timely appeal from the August 25, 2010, reference 01, decision that denied benefits based on an Agency conclusion that a decision on her July 20, 2010 separation had been made on a prior claim and that the decision remained in effect. After due notice was issued, a hearing was held on October 15, 2010. Claimant participated. Sarah Fiedler represented the employer. The hearing in this matter was consolidated with the hearing in Appeal Number 10A-UI-12114-JTT concerning the same separation and the prior claim. The administrative law judge hereby takes official notice of the decision entered in Appeal Number 10A-UI-12114-JTT.

ISSUE:

Whether the separation from the employment has been previously adjudicated and whether that adjudication continues to bind the parties.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Amy Conrad established an original claim for benefits that was effective August 2, 2009 in connection with a claim year that started on that date. Ms. Conrad established an additional claim for benefits that was effective July 11, 2010, in connection with her separation from Team Staffing Solutions on July 14, 2010. The separation occurred on July 14, 2010, not July 20, 2010. On August 19, 2010, a Workforce Development representative entered a reference 04 decision (based on the August 2, 2009 original claim date) that denied benefits based on the July 2010 separation. That decision has been reversed on appeal. See Appeal Number 10A-UI-12114-JTT. The appeal decision concluded that there was a July 14, 2010 separation from the temporary employment agency for good cause attributable to the employer and that the claimant was eligible for benefits, provided she was otherwise eligible. The decision also remanded the matter to the Claims Division for determination of the claimant work ability and availability.

Ms. Conrad established a new original claim for benefits, and a new claim year, that was effective August 1, 2010.

REASONING AND CONCLUSIONS OF LAW:

Unless appealed in a timely manner and reversed on appeal, a finding of fact or law, judgment, conclusion, or final order made pursuant to this section by an employee or representative of Iowa Workforce Development, administrative law judge, or the employment appeal board, is binding upon the parties in proceedings brought under this chapter. See Iowa Code section 96.6(3) and (4).

The decision the administrative law judge entered in Appeal Number 10A-UI-12114-JTT concerning the prior claim year and the July 14, 2010 separation also binds the parties in connection with the new claim year as well unless and until that appeal decision is overturned. Thus, Ms. Conrad separated from the temporary employment agency on July 14, 2010 for good cause attributable to the employer and is eligible for benefits in the new claim year, provided she is otherwise eligible. The employer's account may be charged.

This matter is remanded to the Claims Division for investigation into and determination of whether the claimant was able to work and available for work since she established the new original claim for benefits that was effective August 1, 2010.

DECISION:

The Agency representative's August 25, 2010, reference 01 is reversed. The administrative law judge decision in Appeal Number 10A-UI-12114-JTT concerning the prior claim year binds the parties in connection with the new claim year that commenced August 1, 2010. The claimant's July 14, 2010 separation was for good cause attributable to the employer. The claimant is eligible for benefits, provided she is otherwise eligible. The employer's account may be charged.

This matter is remanded to the Claims Division for investigation into and determination of whether the claimant was able to work and available for work since she established the new original claim for benefits that was effective August 1, 2010.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/pjs