

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**NICK G HANTZEAS**  
Claimant

**VA CENTRAL IA HEALTHCARE**  
EMPLOYER

**APPEAL 21A-UI-11314-AD-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

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

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Iowa Code § 96.6(3) – Appeals  
Iowa Admin. Code r. 871-24.28 – Previous Adjudication

**STATEMENT OF THE CASE:**

On April 27, 2021, Nick Hantzeas (claimant/appellant) filed an appeal from the April 22, 2021 (reference 01) unemployment insurance decision that denied benefits based on a finding a decision on the February 12, 2021 separation was made on a prior claim and that decision remains in effect.

After due notice was issued, a telephone hearing was set for July 9, 2021. The claimant participated personally. VA Central IA Healthcare (employers/respondent) did not register a number for the hearing or participate. Official notice was taken of the administrative record. No formal hearing was held as the matter before the undersigned could be addressed without the need for additional evidence.

**ISSUE:**

Was the issue previously adjudicated?

**FINDINGS OF FACT:**

Having examined the evidence in the record, the administrative law judge finds:

Claimant filed an original claim for unemployment insurance benefits with an effective date of March 22, 2020. A decision was issued on March 16, 2021 (reference 05), denying benefits based on a finding claimant voluntarily resigned without good cause attributable to employer.

Claimant appealed that decision and it was reversed in an administrative law judge decision dated June 23, 2021. That decision found claimant's separation from employment was not disqualifying and allowed benefits, provided claimant was otherwise eligible. That decision has not been appealed further and remains in force.

However, before the ALJ's decision was issued, the decision which is the subject of the appeal today was issued and denied benefits based on the March 16, 2021 decision.

### **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the April 22, 2021 (reference 01) unemployment insurance decision that denied benefits based on a finding a decision on the February 12, 2021 separation was made on a prior claim and that decision remains in effect is REVERSED.

Iowa Code section 96.6(3) provides:

3. Appeals.

a. Unless the appeal is withdrawn, an administrative law judge, after affording the parties reasonable opportunity for fair hearing, shall affirm or modify the findings of fact and decision of the representative. The hearing shall be conducted pursuant to the provisions of chapter 17A relating to hearings for contested cases. Before the hearing is scheduled, the parties shall be afforded the opportunity to choose either a telephone hearing or an in-person hearing. A request for an in-person hearing shall be approved unless the in-person hearing would be impractical because of the distance between the parties to the hearing. The notice for a telephone or in-person hearing shall be sent to all the parties at least ten calendar days before the hearing date. Reasonable requests for the postponement of a hearing shall be granted. The parties shall be duly notified of the administrative law judge's decision, together with the administrative law judge's reasons for the decision, which is the final decision of the department, unless within fifteen days after the date of notification or mailing of the decision, further appeal is initiated pursuant to this section.

b. Appeals from the initial determination shall be heard by an administrative law judge employed by the department. An administrative law judge's decision may be appealed by any party to the employment appeal board created in section 10A.601. The decision of the appeal board is final agency action and an appeal of the decision shall be made directly to the district court.

Iowa Admin. Code r. 871-24.28(7) provides:


Voluntary quit requalifications and previously adjudicated voluntary quit issues.

24.28(7) 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 the administrative law judge and such decision has become final.

The separation issue was resolved in claimant's favor in a prior claim year by the administrative law judge decision dated June 23, 2021 and that decision has become final. Claimant's separation from employer is therefore not a cause for disqualification in the current claim year.

**DECISION:**

The April 22, 2021 (reference 01) unemployment insurance decision that denied benefits based on a finding a decision on the February 12, 2021 separation was made on a prior claim and that decision remains in effect is REVERSED. That prior separation decision disqualifying claimant was subsequently reversed and has become final. Claimant's separation from employer is therefore not a cause for disqualification in the current claim year.



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July 21, 2021  
Decision Dated and Mailed

abd/mh