

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

CURTIS M ROSING
1923 W 17TH ST
DAVENPORT IA 52804-3519

HY-VEE INC
c/o TALX UCM SERVICES INC
PO BOX 283
SAINT LOUIS MO 63166- 0283

DAVID WILLIAMS
TALX UC EXPRESS #511
3799 VILLAGE RUN DR
DES MOINES IA 50317

Appeal Number: 06A-UI-01862-S2T
OC: 01/22/06 R: 04
Claimant: Appellant (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-2-a – Prior Adjudication of a Discharge Separation

STATEMENT OF THE CASE:

Curtis Rosing (claimant) appealed a representative's February 7, 2006 decision (reference 02) that concluded his separation from work with Hy-Vee (employer) had been previously adjudicated as a disqualifying discharge from employment. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on March 6, 2006. The claimant participated personally. The employer represented by Jackie Wiegand, Hearings Representative, and participated by Jason Lester, Manager of Perishables.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The June 18, 2005, separation from the employer was adjudicated in a October 27, 2005, reference 01, decision issued under a 2005, claim year.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5-2-a provides:

An individual shall be disqualified for benefits:

2. Discharge for misconduct. If the department finds that the individual has been discharged for misconduct in connection with the individual's employment:

a. The individual shall be disqualified for benefits until the individual has worked in and has been paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

Insomuch as the June 18, 2005, separation from the employer was adjudicated in the October 27, 2005, reference 01, decision issued under the original claim date of January 23, 2005, the administrative law judge does not have jurisdiction to address that issue.

DECISION:

The representative's February 7, 2006 decision (reference 02) is affirmed. The June 18, 2005, separation at issue has been previously adjudicated.

bas/tjc