

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

SHAWNA J MILLS
Claimant

BELLA FLORA LLC
Employer

APPEAL 22A-UI-07162-DZ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/15/20
Claimant: Appellant (1)

Iowa Code § 96.4(3) – Able to and Available for Work
Iowa Code § 96.6(3) – Appeals
Iowa Admin. Code r. 871-24.28(6) – Prior Adjudication

STATEMENT OF THE CASE:

Shawna J Mills, the claimant/appellant, filed an appeal from the March 22, 2022 (reference 02) unemployment insurance (UI) decision that denied REGULAR (state) UI benefits because IWD had issued a decision on a prior claim about Ms. Mills' separation from employment with this employer. The parties were properly notified of the hearing. A telephone hearing was held on May 19, 2022. Ms. Mills participated personally. The employer participated through Kelly Thomason, owner. The administrative law judge took official notice of the administrative record. The parties waived notice on the issue of prior adjudication.

ISSUES:

Was the issue of Ms. Mills' separation from employment with this employer adjudicated in a prior claim year?

FINDINGS OF FACT:

Having reviewed the evidence in the record, the administrative law judge finds: The issue of Ms. Mills' separation from employment with this employer has been previously adjudicated (decided). The unemployment insurance decision dated May 13, 2021, (reference 02) had concluded that Ms. Mills was not eligible for benefits because she quit on April 30, 2020. Ms. Mills appealed that decision. The administrative law judge's decision in Appeal 22A-UI-07158-DZ-T affirmed the reference 02 decision.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the issue of Ms. Mills' separation from employment with this employer has been previously adjudicated.

Iowa Code section 96.6(3) provides:

Filing – determination – appeal.

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a. Unless the appeal is withdrawn, an administrative law judge, after affording the parties reasonable opportunity for fair hearing, shall affirm or modify the findings of fact and decision of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. A telephone or in-person hearing shall not be scheduled before the seventh calendar day after the parties receive notice of the hearing. 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(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.

The issue was previously decided. The current decision is affirmed.

DECISION:

The March 22, 2022, (reference 02) unemployment insurance decision is AFFIRMED. The issue of Ms. Mills' separation from employment with this employer has been previously adjudicated.



Daniel Zeno
Administrative Law Judge
Iowa Workforce Development
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax 515-478-3528

June 29, 2022
Decision Dated and Mailed

dz/mh

NOTE TO MS. MILLS:

- If you were unemployed for reasons related to COVID-19, you may qualify for Pandemic Unemployment Assistance (PUA) benefits. **You must apply for PUA benefits to determine your eligibility under the program.** To apply for PUA benefits,
 - First go to <https://www.iowaworkforcedevelopment.gov/unemployment-insurance-appeals>
 - Go to the "WHAT TO EXPECT FROM THE HEARING" section.
 - Go to the last two sentences in that section.
 - The PUA application link is at the end of the second-to-last sentence of the section.
 - The reference number/authorization number is the pin number you used for the appeal hearing: 107158.
- **If IWD finds you eligible for federal PUA benefits, you can use the PUA benefits to pay off the REGULAR (state) UI overpayment.**
- **If you do not apply for and are not approved for PUA, you may be required to repay the benefits you've received so far.**
- Governor Reynolds ended Iowa's participation in federal pandemic-related unemployment benefit programs, including the PUA program, effective June 12, 2021. **But you can still apply for PUA benefits at the link above if you were unemployed for reasons related to COVID-19 between February 2, 2020, and June 12, 2021.**
- To check on your PUA application contact IWD online, via email, or by phone.
 - Online: Go to www.iowaworkforce.gov, click on "Contact Us" then click on "Unemployment Help Request" and complete the form.
 - Email: uicclaimshelp@iwd.iowa.gov
 - Phone: 1-866-239-0843