

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**NOAH G CROSS**  
Claimant

**JENSEN BUILDERS LTD**  
Employer

**APPEAL NO. 20A-UI-10591-B2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 05/17/20**  
**Claimant: Appellant (2)**

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871 IAC r. 24.28(6) – Previously Adjudicated Issue

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated July 29, 2020, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on October 12, 2020. Claimant participated personally. Employer participated by Tom Nelson.

**ISSUE:**

The issue in this matter is whether the claim was previously adjudicated.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on March 26, 2020.

Claimant was terminated on March 30, 2020 by employer because of allegedly unexcused absences.

This matter was adjudicated in a decision dated October 12, 2020, and by appeal number 10590-b2.

**REASONING AND CONCLUSIONS OF LAW:**

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.

In this matter, the evidence has established that the claim was previously adjudicated by decision of October 12, 2020 reference 010. The bureau is without authority to rehear this matter, as a decision was issued on the merits and claimant was awarded benefits. The issue cannot be adjudicated a second time.

**DECISION:**

The decision of the representative dated July 29, 2020, reference 01, is reversed, as the decision in case 10590.b2 was reversed. Claimant is eligible to receive unemployment insurance benefits, provided claimant meets all other eligibility requirements.



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Blair A. Bennett  
Administrative Law Judge

October 14, 2020  
Decision Dated and Mailed

bab/sam