

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

HALLIE R SPICER
Claimant

APPEAL NO: 10A-UI-03921-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CDS GLOBAL INC
Employer

OC: 05/17/09
Claimant: Respondent (1)

Section 96.4-3 – Able to and Available for Work
Section 96.6-4. – Final Decision

STATEMENT OF THE CASE:

The employer appealed a representative's February 26, 2010 decision (reference 02) that held the claimant ineligible to receive benefits from July 12 through 25, 2009. The employer did not dispute the decision that the claimant was ineligible to receive benefits July 12 through 25, but appealed because the employer did not believe she was looking for work July 21 through September 5, 2009, and thought she should be ineligible for this time also. A telephone hearing was held on April 13, 2010. The claimant participated in the hearing. Carol Leinen, Christopher Vonahsen, Sharon Kroger, Dawn Maassen and Denise Barnes appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

In addition to being ineligible to receive benefits July 12 through 25, is the claimant also ineligible to receive benefits July 21 through September 5, 2009?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of May 17, 2009. On December 2 and 10, 2009, the claimant and employer participated in an unemployment insurance hearing before another administrative law judge. On January 12, 2010, the administrative law judge issued a decision that held the claimant was not eligible to receive benefits for the weeks ending July 25 through September 5 because she had not actively looked for work these weeks. The January 12, 2010 decision also held the claimant was not eligible to receive benefits July 5 through 18. See decision for appeal 09A-UI-15087-JTT. The claimant did not appeal this decision.

REASONING AND CONCLUSIONS OF LAW:

A finding of fact or law, judgment, conclusion or final order made by an administrative law judge is binding only on the parties to the proceedings. Iowa Code section 96.6-4. Since the claimant did not appeal the decision for appeal number 09A-UI-15087-JTT, this decision is considered a

final decision. As a result, the hearing held on April 13 was not necessary because the issue the employer appealed had already been addressed in the decision for appeal number 09A-UI-15087-JTT. The administrative law judge's January 12, 2010 decision that held the claimant ineligible to receive benefits for the weeks ending July 11 through 18 and July 25 through September 5, 2009 cannot be changed after it has become a final decision. In a separate hearing, an administrative law judge has already held the claimant was overpaid the benefits she received for these weeks. See decision for appeal number 10A-EUCU-00204-ST.

DECISION:

The representative's February 26, 2010 decision (reference 02) is affirmed. Based on the representative's February 26, 2010 decision in addition to the decision for appeal number 09A-UI-15087-JTT, the claimant is not eligible to receive benefits for the weeks ending July 11 through September 5, 2009.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs