

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**TOBY M GRUNDMAN**  
Claimant

**APPEAL 16A-UI-12454-CL-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ELITE STAFFING GLOBAL INC**  
Employer

**OC: 11/06/16  
Claimant: Appellant (2)**

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Iowa Code § 96.6(3) – Appeals  
Iowa Admin. Code r. 871-24.19(1) – Determination and Review of Benefit Rights  
Iowa Admin. Code r. 871-24.28(6-8) – Prior Adjudication

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the November 16, 2016, (reference 01) unemployment insurance decision that denied benefits based upon a decision in a prior benefit year for the same separation. A telephone hearing was held on December 8, 2016. Claimant participated. Employer participated through branch manager Kathy Achenbach. Employer's Exhibit 1 was received.

**ISSUES:**

Was the separation adjudicated in a prior claim year?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The separation at issue has been adjudicated in a prior claim year effective November 1, 2015, as the unemployment insurance decision dated November 9, 2016, reference 03. That decision in favor of employer has been reversed.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the separation at issue has been adjudicated in a prior claim year.

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.

Inasmuch as the current decision is in conflict with the prior claim year decision, the current decision is reversed.

**DECISION:**

The November 16, 2016, (reference 01) unemployment insurance decision denying unemployment compensation benefits based on a prior adjudication is reversed.

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Christine A. Louis  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
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Decision Dated and Mailed

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