

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

---

**RICKY C SEBRING**

Claimant

**HAWKEYE COMMUNITY COLLEGE**

Employer

**APPEAL 15A-UI-01429-DL**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 12/28/14**

**Claimant: Respondent (2)**

---

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  
Iowa Code § 96.4(3) – Ability to and Availability for Work  
Iowa Code § 96.4(5) – Reasonable Assurance  
Iowa Code § 96.3(7) – Recovery of Benefit Overpayment

**STATEMENT OF THE CASE:**

The employer filed an appeal from the January 30, 2015, (reference 01) unemployment insurance decision that allowed benefits because of being partially unemployed. After due notice was issued, a hearing was held on November 30, 2015, in Waterloo, Iowa. Claimant did not appear. Employer appeared through associate human resource director Janine Knapp and continuing education coordinator Celeste Turner. Beth Hansen, Attorney at Law, represented the employer.

**ISSUE:**

Was the issue adjudicated in a prior decision?

**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 administrative law judge (ALJ) decision 15A-UI-00345-H2, dated February 25, 2015, and the Employment Appeal Board decision 15B-00345, dated March 27, 2015. That decision in favor of the employer was not appealed to the Iowa District Court and has become final. The original appeal was rescheduled in error.

**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 § 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.

Iowa Admin. Code r. 871-24.19(1) provides:

Claims for benefits shall be promptly determined by the department on the basis of such facts as it may obtain. Notice of such determination shall be promptly given to each claimant and to any employer whose employment relationship with the claimant, or the claimant's separation therefrom, involves actual or potential disqualifying issues relevant to the determination. . . . The notice of appeal rights shall state clearly the place and manner for taking an appeal from the determination and the period within which an appeal may be taken. Unless the claimant or any other such party entitled to notice, within ten days after such notification was mailed to such claimant's last-known address, files with the department a written request for a review of or an appeal from such determination, such determination shall be final.

Inasmuch as the issue presented was resolved by another ALJ and the EAB, and the original appeal was rescheduled in error, the EAB's final agency action decision remains in force and effect.

**DECISION:**

The January 30, 2015, (reference 01) unemployment insurance decision was reversed and has become final. The prior EAB decision on the separation remains in effect.

---

Dévon M. Lewis  
Administrative Law Judge

---

Decision Dated and Mailed

dml/css