

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ALAN D ECKHOFF
Claimant

APPEAL NO. 13A-UI-11783-LT

**ADMINISTRATIVE LAW JUDGE
DECISION**

EXPRESS SERVICES INC
Employer

OC: 09/01/13
Claimant: Respondent (1)

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 employer filed an appeal from the October 16, 2013, (reference 04) decision that allowed benefits based upon a decision in a prior benefit year for the same separation. After due notice was issued, a hearing was held by telephone conference call on November 13, 2013. Claimant participated. Employer participated through staffing consultant, Jim Cole.

ISSUE:

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 decision at issue has been adjudicated in a prior claim year and that decision has been modified without change in effect.

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 and that decision has been modified without change in effect.

871 IAC 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.

The issue presented was resolved in a prior claim year (original claim date September 2, 2012) as the representative's decision dated October 15, 2013, (reference 04). The current decision, referring to the prior claim year decision for the same separation date, is affirmed.

DECISION:

The October 16, 2013, (reference 04) decision is affirmed. The prior decision on the separation was modified without change in effect.

Dévon M. Lewis
Administrative Law Judge

Decision Dated and Mailed

dml/css