

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**REX T ROMINGER**

Claimant

**CARDINAL COMMUNITY SCHOOL DIST**

Employer

**APPEAL 17A-UI-09482-JCT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 07/03/16**

**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

Iowa Code § 96.4(5) – Reasonable Assurance

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the September 5, 2017, (reference 05) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on October 10, 2017. The claimant participated personally. The employer participated by way of Robin Leonard. The administrative law judge took official notice of the administrative records including the fact-finding documents including Appeal 17A-UI-08631-JTT. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUES:**

Was the issue adjudicated in another claim year?

Was the issue adjudicated in a prior representative's decision?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant established his unemployment claim with an effective date of July 23, 2017. An initial decision dated August 18, 2017 (Reference 02), concluded the claimant was ineligible between academic terms for unemployment benefits, and he had reasonable assurance to return to work in the next academic term (2017-2018) with Cardinal Community School District. The claimant appealed the decision and a hearing was conducted on September 11, 2017 before administrative law judge James Timberland. A hearing decision (Appeal 17A-UI-08631-JTT) was rendered, reversing the lower decision, and allowing the claimant benefits. The decision was not appealed to the Employment Appeal Board (EAB).

For unknown reasons, a second initial decision, dated September 5, 2017 (reference 05) was rendered and applied to the claimant's *prior* benefit year, with an effective date of July 3, 2016. The issue of whether the claimant had reasonable assurance to return to work in the next

academic term (2017-2018) with Cardinal Community School District was addressed for a second time and inconsistent with the prior decision (August 18, 2017 (reference 02) for benefit year July 23, 2017), which has been adjudicated in another claim year and that decision has become final.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the issue of reasonable assurance with Cardinal Community School District for the 2017-2018 academic year has been adjudicated in another claim year in favor of the claimant, and that decision has become final. Accordingly, this decision is reversed.

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.

871IAC 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 of reasonable assurance with Cardinal Community School District for the 2017-2018 academic year was resolved in another claim year as the representative's decision dated September 5, 2017, (reference 05). The decision was not appealed to the Employment Appeal Board and is now final. The current decision for this hearing is inconsistent with the prior decision on the same issue and academic year, and is therefore reversed.

**DECISION:**

The September 5, 2017, (reference 05)) decision is reversed since it is inconsistent with the prior decision on the issue of reasonable assurance for the 2017-2018 academic year, which has become final. Benefits are allowed, provided the claimant is otherwise eligible.

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Jennifer L. Beckman  
Administrative Law Judge

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Decision Dated and Mailed

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