

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ANDREA K BURKE
Claimant

APPEAL NO. 13A-UI-06557-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

REBITRZER'S BAR & GRILL LLC
Employer

OC: 05/12/13
Claimant: Appellant (2)

Section 96.5-1-a – Voluntary Quit for Other Employment
Section 96.6-2 – Finality of Decision

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated May 22, 2013, reference 01, that concluded that a decision disqualifying her had been made in a previous benefit year and remained in effect. A telephone hearing was held on June 16, 2013. The parties were properly notified about the hearing. The claimant participated in the hearing. Joe Schulte participated in the hearing on behalf of the employer. Exhibit A-1 was admitted into evidence at the hearing.

ISSUE:

Is the claimant disqualified from receiving benefits because of a disqualification decision issued in a previous benefit year?

FINDINGS OF FACT:

The unemployment insurance decision issued on November 29, 2012, that disqualified the claimant from receiving unemployment insurance benefits has been reversed in a decision in 13A-UI-06556-SWT. That decision concluded the claimant was qualified to receive unemployment insurance benefits and the employer's account would not be charged for benefits paid to the claimant.

REASONING AND CONCLUSIONS OF LAW:

The law states that an unemployment insurance decision is final unless a party appeals the decision within ten days after the decision was mailed to the party's last-known address. Iowa Code § 96.6-2.

Since the unemployment insurance decision dated November 29, 2012, reference 01, was reversed in a decision in 13A-UI-06556-SWT, the claimant is qualified to receive unemployment insurance benefits and the employer's account is not chargeable for benefits paid to the claimant.

DECISION:

The unemployment insurance decision dated May 22, 2013, reference 01, is reversed. The claimant is qualified to receive unemployment insurance benefits, provided she is otherwise eligible. The employer's account will be exempt from charge for benefits paid to the claimant.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/css