

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DRU A SNYDER
Claimant

APPEAL NO. 11A-UI-13705-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MIDWESTERN TRADING INC
RICK STICKLE
Employer

OC: 09/18/11
Claimant: Respondent (1-R)

Iowa Code section 96.6(4) – Previously Adjudicated Issue

STATEMENT OF THE CASE:

The employer filed a timely appeal from the October 12, 2011, reference 02, decision that allowed benefits in connection with the October 28, 2010 separation based on an Agency conclusion that the separation had previously been adjudicated and adjudication remained in effect. After due notice was issued, a hearing was held on November 9, 2011. Claimant Dru Snyder provided a telephone number for the hearing, answered his telephone at the time of the hearing, but then disconnected and failed to make himself available for the hearing. Rick Stickle, President and owner, represented the employer. The hearing in this matter was consolidated with the hearing in appeal number 11A-EUCU-00774-JTT. Exhibit One and Department Exhibit D-1 were received into evidence.

ISSUE:

Whether Mr. Snyder's October 28, 2010 separation was adjudicated in connection with a prior claim and whether that adjudication continues to bind the parties.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant Dru Snyder separated from Midwestern Trading, Inc., on October 28, 2010 and has not worked for the employer since. On January 25, 2011, a Workforce Development representative entered a reference 01 decision that allowed benefits and that indicated the employer's account could be charged for benefits. The decision was based on the claim year that was effective August 31, 2008. The employer did not file a timely appeal from the January 25, 2011, reference 01, decision and it became a final Agency decision.

Mr. Snyder subsequently established a new "original claim" for benefits that was effective September 18, 2011. On October 12, 2011, a Workforce Development representative entered a reference 02 decision that allowed benefits based on an Agency determination that the October 28, 2010 separation had previously adjudicated and that the adjudication remained in effect.

REASONING AND CONCLUSIONS OF LAW:

Unless appealed in a timely manner and reversed on appeal, a finding of fact or law, judgment, conclusion, or final order made pursuant to this section by an employee or representative of Iowa Workforce Development, administrative law judge, or the employment appeal board, is binding upon the parties in proceedings brought under this chapter. See Iowa Code section 96.6(3) and (4).

The January 25, 2011, reference 01, decision that allowed benefits and that determined the employer's account could be assessed for benefits in connection with the October 28, 2011 separation is a final Agency decision that continues to bind Mr. Snyder and Midwestern Trading, Inc. The claimant is eligible in connection with the September 18, 2011 "original claim" provided he is otherwise eligible. The employer's account may be charged.

DECISION:

The Agency representative's October 12, 2011, reference 02, decision is affirmed. The October 28, 2011 separation had previously been adjudicated. The claimant is eligible in connection with the September 18, 2011 "original claim" provided he is otherwise eligible. The employer's account may be charged.

This matter is remanded to the Claims Division for determination of whether the claimant had been able and available for work since he established the original claim for benefits that was effective September 28, 2011.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/css