

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

KARLA YOUNG
Claimant

CRESTON COMMUNITY SCHOOL DISTRICT
Employer

APPEAL 21A-UI-11416-LJ-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/21/21
Claimant: Appellant (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

STATEMENT OF THE CASE:

On April 28, 2021, the claimant, Karla Young, filed an appeal from the April 19, 2021 (reference 04) unemployment insurance decision that denied benefits based upon a determination in a prior benefit year regarding the same separation. The parties were properly notified of the hearing. A telephonic hearing was held at 9:00 a.m. on Monday, July 12, 2021. The claimant, Karla Young, participated. The employer, Creston Community School District, participated through Pat Moeller, Bookkeeper; and witness Tawnya Jones was present for the hearing but did not testify. No exhibits were offered or admitted into the record. The administrative law judge took official notice of the administrative record.

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 separation at issue has been adjudicated in a prior claim year effective March 22, 2020, as the unemployment insurance decision dated March 2, 2021, reference 06. That decision in favor of the employer has been reversed by Administrative Law Judge Beckman in 21A-UI-07075-JC-T. The employer has not appealed Administrative Law Judge Beckman's decision to the Employment Appeal Board.

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 Code section 96.6(3) provides:

Filing – determination – appeal.

3. Appeals.

a. Unless the appeal is withdrawn, an administrative law judge, after affording the parties reasonable opportunity for fair hearing, shall affirm or modify the findings of fact and decision of the representative. The hearing shall be conducted pursuant to the provisions of chapter 17A relating to hearings for contested cases. Before the hearing is scheduled, the parties shall be afforded the opportunity to choose either a telephone hearing or an in-person hearing. A request for an in-person hearing shall be approved unless the in-person hearing would be impractical because of the distance between the parties to the hearing. A telephone or in-person hearing shall not be scheduled before the seventh calendar day after the parties receive notice of the hearing. Reasonable requests for the postponement of a hearing shall be granted. The parties shall be duly notified of the administrative law judge's decision, together with the administrative law judge's reasons for the decision, which is the final decision of the department, unless within fifteen days after the date of notification or mailing of the decision, further appeal is initiated pursuant to this section.

b. Appeals from the initial determination shall be heard by an administrative law judge employed by the department. An administrative law judge's decision may be appealed by any party to the employment appeal board created in section 10A.601. The decision of the appeal board is final agency action and an appeal of the decision shall be made directly to the district court.

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.

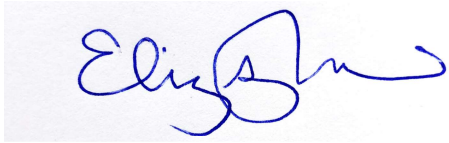
Iowa Admin. Code r. 871-24.19(1) provides:

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.

As the current decision is in conflict with the prior claim year decision, the current decision is reversed.

DECISION:

The April 19, 2021, (reference 04) unemployment insurance decision is reversed. The prior decision on the separation remains in effect.



Elizabeth A. Johnson
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515)478-3528

July 21, 2021

Decision Dated and Mailed

lj/kmj