

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**PENNY D SCROGGINS**

Claimant

**DSM HEALTHCARE MANAGEMENT LLC**

Employer

**APPEAL 21A-UI-18535-S2-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 03/14/21**

**Claimant: Appellant (1)**

Iowa Code § 96.5(2)a – Discharge for Misconduct  
Iowa Code § 96.5(1) – Voluntary Quit  
Iowa Code § 96.6(3) – Appeals  
Iowa Admin. Code r. 871-24.28(6-8) – Prior Adjudication

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the August 17, 2021, (reference 01) unemployment insurance decision that found the issue of separation was adjudicated in a prior claim year. A hearing was scheduled for October 13, 2021, but proper notice was not issued, so the hearing was rescheduled. After due notice was issued, a hearing was held by telephone conference call on November 3, 2021, and was consolidated with the hearing for appeals 21A-UI-18534-S2-T and 21A-UI-18536-S2-T. Claimant participated personally. Employer participated through business officer manager Kim Mathes. Official notice was taken of the administrative record.

**ISSUE:**

Whether the issue has been previously adjudicated.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The issue of claimant's separation from DSM Healthcare Management, LLC was resolved in a prior claim year (original claim date May 15, 2020); the unemployment insurance decision dated June 28, 2021 (reference 03) denied claimant benefits because she voluntarily quit without good cause attributable to employer. The administrative law judge's decision in appeal 21A-UI-18534-S2-T affirmed the reference 03 decision.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes that the decision at issue has been adjudicated in a prior claim year.

Iowa Code section 96.6(3) provides:

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 a. Unless the appeal is withdrawn, an administrative law judge, after affording the parties reasonable opportunity for fair hearing, shall affirm or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. The notice for a telephone or in-person hearing shall be sent to all the parties at least ten calendar days before the hearing date. 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.

No disqualification is imposed if a decision on the 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. 871-24.28.

Inasmuch as the issue presented was resolved in a prior claim year, the current decision, referring to the prior claim year decision for the same separation date, is affirmed.

**DECISION:**

The August 17, 2021, (reference 01) unemployment insurance decision is affirmed. The issue of separation was adjudicated in a prior claim year; the prior decision on the separation remains in effect.



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Stephanie Adkisson  
Administrative Law Judge

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December 1, 2021  
Decision Dated and Mailed

sa/scn