

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DENNIS O RACE
Claimant

APPEAL NO. 10A-UI-05172-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CRST VAN EXPEDITED INC
Employer

**Original Claim: 05/17/09
Claimant: Appellant (2)**

871 IAC 24.19(1) – Determination Review of Benefit Rights
871 IAC 24.28(6)-(8) – Prior Adjudication

STATEMENT OF THE CASE:

Dennis Race filed an appeal from the March 25, 2010, reference 03, decision that denied benefits based upon the claimant's separation from employment on February 9, 2010. After due notice was issued, a telephone hearing was held on May 19, 2010. The claimant did participate. The employer did participate through Sandy Matt, human resource specialist.

ISSUE:

The issue is whether the claimant's separation from CRST Van Expedited, Inc. was previously adjudicated and whether the correct employer was notified regarding Mr. Race's separation from employment on February 9, 2010.

FINDINGS OF FACT:

Having reviewed all the evidence in the record, the administrative law judge finds: In the Agency representative's decision dated March 25, 2010, reference 03, the Agency representative erroneously listed CRST Van Expedited, Inc. as an interested party to the claim. The evidence in the record establishes that Mr. Race has had no contact or employment relationship with April 20, 2009. Mr. Race's previous separation from CRST Van Expedited, Inc. was on or about April 20, 2009 and was adjudicated in a representative's decision dated June 23, 2009, reference 01. That decision was reversed by an administrative law judge's decision that allowed benefits following a hearing that was scheduled for and held on July 20, 2009, during which the claimant participated personally and the employer participated by Sandy Matt, human resources specialist (See Appeal No. 09A-UI-09497-S2T).

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the separation that occurred from CRST Van Expedited, Inc. on or about April 20, 2009, has been previously adjudicated and that decision has become final (See 09A-UI-09497-S2T). The evidence in the record establishes that there has been no employment relationship between Dennis Race and this employer since that date. The evidence in the record establishes that Mr. Race had

employment with a different trucking company and that employment ended on or about February 9, 2010. However, the Agency representative erroneously listed CRST Van Expedited, Inc. as a party to that claim.

871 IAC 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.

When Iowa Workforce Development has a decision affecting a claim for benefits, the Agency is required to notify the interested parties. See Iowa Code section 96.6-6. CRST Van Expedited, Inc. was erroneously included as an interested party in a decision dated March 25, 2010, reference 03, and is not, in fact, an interested party.

This matter is remanded to the Unemployment Insurance Services Division for the determination of the correct employer and an issuance of an appealable determination on the claimant's separation from employment that took place on or about February 9, 2010.

DECISION:

The Agency representative's decision dated March 25, 2010, reference 03, is reversed. CRST Van Expedited, Inc. is not an interested party. This matter is remanded to the Unemployment Insurance Service Division for the determination of the correct employer and the issuance of an appealable determination regarding the claimant's separation from employment that occurred on or about February 9, 2010.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw