

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ASHANTI KEYS
Claimant

QPS EMPLOYMENT GROUP INC
Employer

APPEAL 21A-UI-15138-SN-T
ADMINISTRATIVE LAW JUDGE
DECISION

OC: 03/28/21
Claimant: Appellant (2)

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

STATEMENT OF THE CASE:

Ashanti Keys (claimant) filed an appeal from the June 29, 2021, decision (reference 02), decision that determined a decision denying her benefits that she appealed had been previously adjudicated. After due notice was issued, a hearing was held by telephone conference call on August 30, 2021. This hearing was conducted jointly with 21A-UI-15137-SN-T. The claimant did participate.

ISSUE:

The issue is whether the separation was adjudicated in a prior claim year.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The decision at issue has been adjudicated in a prior claim year. However, the claimant appealed that decision before it became final.

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 and that decision has become final.

Iowa Admin. Code r. 871-24.28(6) provides:

Voluntary quit re-qualifications 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.

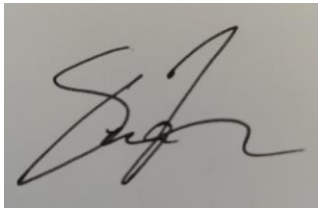
871 IAC 24.19(1) provides:

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.

The issue presented was resolved in a prior claim year (original claim date March 29, 2020) as the representative's decision dated June 26, 2021, reference 02. That decision was appealed before it became final. This resulted in a reversal of the decision in her favor in the appeal decision, 21A-UI-15138-SN-T.

DECISION:

The June 29, 2021, decision (reference 02), decision is reversed. The prior decision on a separation was appealed. This administrative law judge found in the claimant's favor in the appeal decision, 21A-UI-15138-SN-T.



Sean M. Nelson
Administrative Law Judge
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Fax (515) 725-9067

September 2, 2021
Decision Dated and Mailed

smn/mh