

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

REINO B TUOMALA
923 – 5TH AVE SW
CEDAR RAPIDS IA 52404-1830

ADVANCE SERVICES INC
c/o TALX UCM SERVICES INC
PO BOX 66864
ST LOUIS MO 63166-6864

Appeal Number: 06A-UI-04654-S2T
OC: 03/12/06 R: 03
Claimant: Respondent (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-2-a – Prior Adjudication of a Discharge Separation

STATEMENT OF THE CASE:

Advance Services (employer) appealed a representative's April 4, 2006 decision (reference 03) that the offer of work on February 14, 2005, to Reino Tuomala (claimant) from Advance Services (employer) had been previously adjudicated. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on May 17, 2006. The claimant did not provide a telephone number where he could be reached and, therefore, did not participate. The employer participated by Tami Dostart, Office Manager.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The February 14, 2005, offer of work was adjudicated in a April 11, 2005, reference 03, decision issued under a 2005, claim year.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5-2-a provides:

An individual shall be disqualified for benefits:

2. Discharge for misconduct. If the department finds that the individual has been discharged for misconduct in connection with the individual's employment:

a. The individual shall be disqualified for benefits until the individual has worked in and has been paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

Insomuch as the February 14, 2005, offer of work was adjudicated in the April 11, 2005, reference 03, decision issued under the original claim date of March 13, 2005, the administrative law judge does not have jurisdiction to address that issue.

DECISION:

The representative's April 4, 2006 decision (reference 03) is affirmed. The February 14, 2005, offer of work at issue has been previously adjudicated.

bas/pjs