

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ROBERT L HUDDLESON
Claimant

AUTO-JET MUFFLER CORPORATION
Employer

APPEAL 19A-UI-03844-SC-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/17/19
Claimant: Respondent (1)

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 May 13, 2019, Auto-Jet Muffler Corporation (employer) filed an appeal from the May 3, 2019, reference 03, unemployment insurance decision that allowed benefits based upon a decision in a prior benefit year for the same separation. After due notice was issued, a hearing was held by telephone conference call on June 3, 2019. Robert Huddleson (claimant) participated personally. The employer participated through General Manager Kelle Vos. The Employer's Exhibit 1 was admitted into the 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 claimant's eligibility for benefits based on his separation from the employer was adjudicated in a prior claim year effective March 18, 2018, as the unemployment insurance decision dated April 1, 2019, reference 06. That decision, in favor of the claimant, was appealed by the employer. A hearing was scheduled for appeal 19A-UI-02958-JTT at 11:00 a.m. on April 29. On April 30, the administrative law judge (ALJ) issued a decision dismissing the appeal as the employer was in default and stated the decision allowing benefits remained in effect.

On May 10, the employer filed an appeal with the Appeals Bureau and included the current unemployment insurance decision dated May 3, reference 03. The employer did not file an appeal from the ALJ's decision with the Employment Appeal Board (EAB) as it mistakenly believed it had appealed both decisions with the appeal sent to the Appeals Bureau. As an appeal was not filed with the EAB and ten days has passed, the decision allowing benefits from the prior claim year currently represents final agency action.

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.

No disqualification is imposed 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. 871-24.28(6-8) and 871-24.19(1). As the issue of the claimant's eligibility for benefits based on the separation from this employer was resolved in a prior claim year and is currently final agency action, the current decision, referring to the prior claim year decision for the same separation date, is affirmed.

DECISION:

The May 3, 2019, reference 03, unemployment insurance decision is affirmed. The prior decision on the claimant's eligibility based on the separation from the employer remains in effect.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

src/scn