

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BRANDON C VALENTI
Claimant

APPEAL NO. 15A-UI-11422-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CITY OF DES MIONES PAYROLL DEPT B
Employer

OC: 09/27/15
Claimant: Appellant (1)

Iowa Code Section 96.6(4) – Previously Adjudicated Issue

STATEMENT OF THE CASE:

Brandon Valenti filed a timely appeal from the October 7, 2015, reference 01, decision that disqualified him for benefits and that relieved the employer's account of liability for benefits, based on an Agency conclusion that Mr. Valenti's October 3, 2014 separation from the employer had been adjudicated in connection with a prior claim and that the prior decision remained in effect. After due notice was issued, a hearing was held on October 28, 2015. Mr. Valenti participated personally and was represented by attorney, James Ballard. Allison Lambert represented the employer. The hearing in this matter was consolidated with the hearing in appeal number 15A-UI-11421-JTT. Exhibits One, Two, and Three and Department Exhibits D-1, D-2 and D-3 were received into evidence.

ISSUES:

Whether Mr. Valenti's separation from the employer was adjudicated to a final agency decision in connection with a prior claim year and whether the prior decision remains in effect.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Brandon Valenti established an original claim for benefits that was effective December 15, 2013. On October 21, 2014, an Iowa Workforce Development entered the October 21, 2014, reference 02, decision that disqualified Mr. Valenti for benefits and that relieved the employer's account of liability for benefits, based on an Agency conclusion that Mr. Valenti had been discharged on October 3, 2014 for excessive unexcused absences after being warned. The October 21, 2014, reference 02, decision has been affirmed on appeal based on Mr. Valenti's failure to file a timely appeal from that decision. See appeal number 15A-UI-11421-JTT.

Mr. Valenti established a new original claim that was effective September 27, 2015. On October 7, 2015, a Workforce Development claims deputy entered the October 7, 2015, reference 01, decision that disqualified Mr. Valenti for benefits and that relieved the employer of liability for benefits in connection with the new claim, based on an Agency conclusion that a decision on the October 3, 2014 separation had been made on a prior claim and that the prior decision remained in effect.

Mr. Valenti has not returned to the employer to perform additional work since the October 3, 2014 separation addressed in the October 21, 2014, reference 02, decision.

REASONING AND CONCLUSIONS OF LAW:

Unless appealed in a timely manner and reversed on appeal, a finding of fact or law, judgment, conclusion, or final order made pursuant to this section by an employee or representative of Iowa Workforce Development, administrative law judge, or the employment appeal board, is binding upon the parties in proceedings brought under this chapter. See Iowa Code section 96.6(3) and (4).

The October 21, 2014, reference 02, decision that was entered in connection with the December 15, 2013 claim year, adjudicated Mr. Valenti's eligibility for benefits and the employer's liability for benefits in connection with the October 3, 2014 separation. That decision became a final agency decision, binding upon the parties and upon Iowa Workforce Development, when Mr. Valenti did not appeal the decision by the appeal deadline. The October 21, 2014, reference 02, decision that disqualified Mr. Valenti for benefits has been affirmed in appeal, based on the untimeliness of Mr. Valenti's appeal from that decision. Appeal number 15A-UI-11421-JTT. The October 21, 2014, reference 02, decision that disqualified Mr. Valenti for benefits and that relieved the employer of liability for benefits in connection with the October 3, 2014 separation remains binding upon the parties and the Agency even in the new claim year.

Mr. Valenti remains disqualified for benefits until he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount subsequent to his October 3, 2014 separation from the City of Des Moines. Mr. Valenti must meet all other eligibility requirements. The employer's account shall not be charged for benefits.

DECISION:

The October 7, 2015, reference 01, decision is affirmed. The claimant's eligibility for benefits and the employer's liability for benefits, based on the October 3, 2014 separation, were decided as part of a prior claim and the prior decision remains in effect. The claimant remains disqualified for benefits until he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount subsequent to his October 3, 2014 separation from the City of Des Moines. The claimant must meet all other eligibility requirements. The employer's account shall not be charged for benefits.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/css