

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KRISTY E BURRUS
Claimant

APPEAL NO. 12A-UI-11523-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MARSHALLTOWN YMCA
Employer

**OC: 07/29/12
Claimant: Respondent (6)**

Iowa Code Section 96.6(4) – Previously Adjudicated Issue

STATEMENT OF THE CASE:

The employer filed a timely appeal from the September 24, 2012, reference 06, decision that allowed benefits, that said the employer's account could be charged, and that indicated the employer's protest was untimely. An appeal hearing was set for October 19, 2012 and the parties were properly notified. Both parties provided a telephone number at which they could be reached for the hearing. Upon review of the administrative file, the administrative law judge concludes an appeal hearing is not necessary and that a decision may be entered based on the contents of the administrative file.

ISSUE:

Whether the decision of September 24, 2012, reference 06 was entered in error. It was.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Kristy Burrus established a claim for unemployment insurance benefits that was effective July 29, 2012. On August 3, 2012, Workforce Development mailed a notice of claim to the employer. The notice provided an August 13, 2012 deadline for the employer's response. The employer submitted a timely protest on August 8, 2012. The Unemployment Insurance Service Center received the faxed protest on that date. The employer provided March 23, 2012 as the date Ms. Burrus separated from the employer. On August 10, 2012, a Workforce Development representative entered reference 04 decision that allowed benefits, provided Ms. Burrus was otherwise eligible. The decision also relieved the employer of liability for benefits in light of the fact that Ms. Burrus had earned 10 times her weekly benefit amount between the time that she separated from the YMCA and the time she established her claim for benefits. Neither party appealed the decision and it became a final agency decision on August 21, 2012. Neither party had a basis for appealing that decision, since it was favorable to both.

On September 20, 2012, the employer erroneously filed a second, duplicative protest concerning the same March 23, 2012 separation. Workforce Development then added to the error by entering the September 24, 2012, reference 06 decision that found the employer's

September 20, 2012 protest untimely, and by finding the employer liable for benefits after previously relieving the employer of liability.

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 September 24, 2012, reference 06 decision was entered in error and is hereby vacated. The August 10, 2012, reference 04 decision that allowed benefits provided Ms. Burrus was otherwise eligible, and that relieved the employer of liability, remains in effect.

DECISION:

The Agency representative's September 24, 2012, reference 06, decision was entered in error and is hereby vacated. The August 10, 2012, reference 04, decision that allowed benefits provided the claimant was otherwise eligible, and that relieved the employer of liability, remains in effect.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/pjs