

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**TED E SWARTSLANDER**  
Claimant

**APPEAL NO. 11A-UI-11841-AT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ACTION STAFFING SERVICES INC**  
Employer

**OC: 07/03/11**  
**Claimant: Respondent (1)**

871 IAC 24.28(6) – Prior Adjudication

**STATEMENT OF THE CASE:**

Action Staffing Services, Inc. filed a timely appeal from an unemployment insurance decision dated September 2, 2011, reference 01, that allowed benefits to Ted E. Swartzlander, upon a finding that the unemployment insurance consequences of his separation from employment had been adjudicated during his 2010 benefit year. After due notice was issued, a telephone hearing was held on a consolidated record with 11A-UI-11840-AT.

**ISSUE:**

Was this separation previously adjudicated during a previous benefit year?

**FINDINGS OF FACT:**

Ted E. Swartzlander filed a claim for unemployment insurance benefits effective May 9, 2010. On November 8, 2010, the Agency issued a fact-finding decision allowing benefits to Mr. Swartzlander following his separation from employment with Action Staffing Services, Inc. That fact-finding decision has been affirmed by the administrative law judge's decision in the companion case. Mr. Swartzlander has filed a new claim for unemployment insurance benefits effective July 3, 2011.

**REASONING AND CONCLUSIONS OF LAW:**

Section 871-24.28(6) of the Iowa Administrative Code states that the Agency will not re-adjudicate a separation from employment if the separation had been adjudicated in a claimant's prior benefit year. Mr. Swartzlander's separation from employment with Action Staffing Services, Inc. was adjudicated during his May 9, 2010 benefit year. According to the rule cited above, the Agency cannot re-visit that separation.

**DECISION:**

The unemployment insurance decision dated September 2, 2011, reference 01, is affirmed. The claimant is entitled to receive unemployment insurance benefits, provided he is otherwise eligible.

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Dan Anderson  
Administrative Law Judge

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Decision Dated and Mailed

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