

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**LARRY D KELLY**  
Claimant

**MASTERBRAND CABINETS INC**  
Employer

**APPEAL 18A-UI-11623-LJ-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 09/09/18**  
**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:**

The employer filed an appeal from the November 20, 2018, (reference 04) unemployment insurance decision that allowed benefits based upon a decision in a prior benefit year for the same separation. The parties were properly notified of the hearing. A telephonic hearing was held on December 14, 2018. The claimant, Larry D. Kelly, did not register a telephone number at which to be reached and did not participate in the hearing. The employer, Masterbrand Cabinets, Inc., participated through Deborah Tyler, Senior Human Resources Generalist. The administrative law judge took official notice of the administrative 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 separation at issue has been adjudicated in a prior claim year effective September 10, 2017, as the unemployment insurance decision dated June 26, 2018, reference 02. That decision in favor of the claimant has been affirmed. See Appeal No. 18A-UI-11622-LJ-T.

**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.

Iowa Admin. Code r. 871-24.28(6) provides:

Voluntary quit requalifications and previously adjudicated voluntary quit issues.

(6) The claimant voluntarily left employment. However, there shall be no disqualification under Iowa Code section 96.5(1) 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. 871-24.19(1) provides:

Claims for benefits shall be promptly determined by the department on the basis of such facts as it may obtain. Notice of such determination shall be promptly given to each claimant and to any employer whose employment relationship with the claimant, or the claimant's separation therefrom, involves actual or potential disqualifying issues relevant to the determination. . . . The notice of appeal rights shall state clearly the place and manner for taking an appeal from the determination and the period within which an appeal may be taken. Unless the claimant or any other such party entitled to notice, within ten days after such notification was mailed to such claimant's last-known address, files with the department a written request for a review of or an appeal from such determination, such determination shall be final.

Inasmuch as the issue presented was resolved in a prior claim year, the current decision, referring to the prior claim year decision for the same separation date, is affirmed.

**DECISION:**

The November 20, 2018 (reference 04) unemployment insurance decision is affirmed. The prior decision on the separation remains in effect.

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Elizabeth A. Johnson  
Administrative Law Judge

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Decision Dated and Mailed

lj/scn