

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

EDWARD OWENS
Claimant

CNH AMERICA LLC
Employer

APPEAL 17A-UI-00559-JCT
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 01/01/17
Claimant: Appellant (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:

An appeal was filed from the unemployment insurance decision dated January 11, 2017, (reference 01) that determined the issue had been previously adjudicated. Notice of the hearing was mailed to the parties' last-known addresses of record for a telephone hearing to be held on February 7, 2017. The claimant participated personally. The employer did not register a phone number and did not participate. Before testimony was taken, the claimant indicated he had intended to appear with counsel and had attempted to secure counsel with Legal Aid prior to the hearing. The administrative law judge continued the hearing to allow the claimant to follow up with counsel, with the understanding that the next hearing would move forward, regardless of whether he was represented, barring emergency. A second hearing was scheduled and the parties were notified for 9:00 a.m. on February 16, 2017. The claimant participated personally. The employer did not participate. The administrative law judge took official notice of the administrative records including the fact-finding documents including the initial decision dated July 8, 2016. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUES:

Was the separation adjudicated in a prior claim year?
Was the issue adjudicated in a prior representative's decision?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The issue presented was resolved in a prior claim year (original claim date January 3, 2016) as the representative's decision dated January 11, 2017, (reference 01). The decision has become final without change in effect. The decision found the claimant was disqualified for benefits based upon his discharge with this employer, effective June 5, 2016. The claimant asserted the reason for his appeal is that he does not agree with the employer's explanation for discharge.

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 and that decision has become final, without change in effect.

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.

The issue presented was resolved in a prior claim year (original claim date January 3, 2016) as the representative's decision dated January 11, 2017, (reference 01). The administrative law judge recognizes the claimant does not agree with the employer's position regarding the separation. The claimant is not allowed to have the matter re-decided simply because he filed a new claim in a different benefit year. The current decision, referring to the prior claim year decision for the same separation date, is affirmed.

DECISION:

The January 11, 2017, (reference 01) decision is affirmed. The prior decision on the separation remains in effect. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Jennifer L. Beckman
Administrative Law Judge

Decision Dated and Mailed

jlb/rvs