

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MORRIS BUNDY
Claimant

HIRE QUEST LLC
Employer

APPEAL 22A-UI-00219-JD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 11/17/19
Claimant: Appellant (2)

Iowa Code § 96.6(3)-(4) – Appeals – Effect of Determination
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:

On November 22, 2021, the claimant filed an appeal from the November 10, 2021, (reference 05) unemployment insurance decision that denied benefits based upon a decision in the subsequent benefit year for the same separation. The parties were properly notified about the hearing. A telephone hearing was held on January 24, 2022. Claimant, Morris Bundy, participated and testified. The employer did not call the toll-free number listed on the notice of hearing and did not participate. The hearing was consolidated with appeal 22A-UI-00223 | 00225 | 00228 | 00230 | 00216 –JD-T. 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 heard the testimony and having reviewed the evidence in the record, the administrative law judge finds: The separation issue presented was resolved in a subsequent claim year (original claim date November 15, 2020) as the representative's decision dated March 2, 2021, (reference 04). Claimant's timely appeal from that decision has been reversed (22A-UI-00216-JD-T).

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the separation at issue has been adjudicated in the 2020 claim year and that decision has been reversed. Accordingly, this decision is also reversed.

Iowa Code section 96.6(3) provides:

3. Appeals. a. Unless the appeal is withdrawn, an administrative law judge, after affording the parties reasonable opportunity for fair hearing, shall affirm or modify the findings of fact and decision of the representative. The hearing shall be conducted pursuant to the provisions of chapter 17A relating to hearings for contested cases. Before the hearing is scheduled, the parties shall be afforded the opportunity to choose either a telephone hearing

or an in-person hearing. A request for an in-person hearing shall be approved unless the in-person hearing would be impractical because of the distance between the parties to the hearing. The notice for a telephone or in-person hearing shall be sent to all the parties at least ten calendar days before the hearing date. Reasonable requests for the postponement of a hearing shall be granted. The parties shall be duly notified of the administrative law judge's decision, together with the administrative law judge's reasons for the decision, which is the final decision of the department, unless within fifteen days after the date of notification or mailing of the decision, further appeal is initiated pursuant to this section.

b. Appeals from the initial determination shall be heard by an administrative law judge employed by the department. An administrative law judge's decision may be appealed by any party to the employment appeal board created in section 10A.601. The decision of the appeal board is final agency action and an appeal of the decision shall be made directly to the district court.

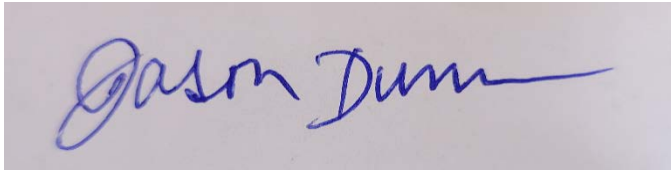
Iowa Admin. Code r. 871-24.19(1) provides:

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 separation issue presented was resolved in the 2020 claim year (original claim date November 15, 2020) as the representative's decision dated March 2, 2021, (reference 04). Claimant's appeal from that decision has been reversed (22A-UI-00216-JD-T). The current decision, referring to the prior claim year decision on the same separation date, is reversed.

DECISION:

The November 10, 2021, (reference 05) decision is reversed since the prior decision on the separation has been reversed. Benefits are allowed, provided the claimant is otherwise eligible. The account of the employer (592807-000) shall not be charged.



Jason Dunn
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515) 478-3528

February 22, 2022
Decision Dated and Mailed

jd/scn