

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MARY D YOUNG**

Claimant

**APPEAL NO. 09A-UI-09742-DT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WAL-MART STORES INC**

Employer

**Original Claim: 06/07/09**

**Claimant: Appellant (1)**

Section 96.6-2 - Prior Adjudication

**STATEMENT OF THE CASE:**

Mary D. Young (claimant) appealed a representative's July 1, 2009 decision (reference 01) that concluded she was not qualified to receive unemployment insurance benefits because there had previously been a determination that her separation from employment with Wal-Mart Stores, Inc. (employer) was disqualifying. Hearing notices were mailed to the parties' last-known addresses of record for a telephone hearing to be held on July 23, 2009. This appeal was consolidated for hearing with one related appeal, 09A-UI-09741-DT. The claimant participated in the hearing. The employer failed to respond to the hearing notice and provide a telephone number at which a witness or representative could be reached for the hearing and did not participate in the hearing. During the hearing, Exhibit A-1 was entered into evidence. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Is there a prior determination on the merits of this appeal that is binding on the parties and the outcome of this appeal?

**FINDINGS OF FACT:**

The claimant established a claim for unemployment insurance benefits effective April 20, 2008. An Agency representative issued a decision dated November 25, 2008 (reference 03). That decision concluded that the claimant was not eligible for benefits due to a disqualifying separation from employment. As determined in the concurrently issued decision in 09A-UI-09741-DT, there was not a timely appeal made of that decision and it has now become final.

The claimant established a second claim year effective June 7, 2009. Another representative's decision was issued dated July 1, 2009 (reference 01), the subject of this appeal. That decision determined that the prior November 25, 2008 determination on the separation was final and binding on the parties.

**REASONING AND CONCLUSIONS OF LAW:**

If a prior determination has been made on the same issue and the adversely affected party fails to make a timely appeal of a representative's decision, the decision on that issue has become final and is not subject to further review, and will be binding on the parties in related proceedings. Iowa Code § 96.6-2.

If the claimant had a dispute with whether or not she should have been disqualified as a result of the separation from the employer, then she needed to have filed an appeal from that decision within the appeal period for that decision. Iowa Code § 96.6-2; Beardslee v. Iowa Department of Job Service, 276 N.W.2d 373 (Iowa 1979). The establishment of a new claim year does not negate or erase the affect of the prior determination. As the claimant did not make a timely appeal from the original disqualification decision, the administrative law judge now lacks jurisdiction to make a determination with respect to the nature of the appeal, regardless of whether the merits of the appeal would be valid. See Beardslee, supra; Franklin v. Iowa Department of Job Service; and Pepsi-Cola Bottling Company v. Employment Appeal Board, 465 N.W.2d 674 (Iowa App. 1990).

**DECISION:**

The representative's July 1, 2009 decision (reference 01) is affirmed. The claimant is not qualified to receive unemployment insurance benefits in the current benefit year until or unless she satisfies the requalification requirements by earning ten times her weekly benefit amount.

---

Lynette A. F. Donner  
Administrative Law Judge

---

Decision Dated and Mailed

ld/kjw