

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

KIMBERLY S WALLER
Claimant

CAPITOL RESOURCES INC
Employer

APPEAL 21A-UI-20475-LJ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 03/14/21
Claimant: Respondent (1)**

Iowa Code § 96.6(3) – Appeals
Iowa Admin. Code r. 871-24.28 – Prior Adjudication

STATEMENT OF THE CASE:

Employer Capitol Resources, Inc., filed an appeal from the September 8, 2021 (reference 03) unemployment insurance decision that found the issue of separation was adjudicated in a prior claim year. The parties were properly notified of the hearing. A telephonic hearing was held at 9:00 a.m. on Monday, December 6, 2021. Appeal numbers 21A-UI-20475-LJ-T, 21R-UI-22290-LJ-T, and 21R-UI-22292-LJ-T were heard together and created one record. The claimant, Kimberly S. Waller, participated. The employer, Capitol Resources, Inc., participated through witness Nicole Schlinger, Founder and President; and was represented by attorney Katelynn McCollough. Claimant's Exhibit A was received and admitted into the record without objection. The administrative law judge took official notice of the administrative record.

ISSUE:

Whether the issue has been previously adjudicated.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The issue of claimant's separation from Capitol Resources was resolved in a prior claim year (original claim date March 15, 2020); the unemployment insurance decision dated May 24, 2021 (reference 03) denied claimant benefits because she voluntarily quit without good cause attributable to employer. The May 24, 2021 (reference 03) decision has been reversed on appeal; the decision on appeal (21R-UI-22290-LJ -T) is final.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the decision at issue has been adjudicated in a prior claim year.

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 a. Unless the appeal is withdrawn, an administrative law judge, after affording the parties reasonable opportunity for fair hearing, shall affirm or modify the findings of fact and decision of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.

No disqualification is imposed if a decision on the 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. 871-24.28.

Claimant's separation from employer was resolved in a prior claim year; the prior decision has become final.

DECISION:

The September 8, 2021 (reference 03) unemployment insurance decision is affirmed. The issue of separation was adjudicated in a prior claim year; the prior decision on the separation remains in effect.



Elizabeth A. Johnson
Administrative Law Judge
Unemployment Insurance Appeals Bureau

January 7, 2022
Decision Dated and Mailed