

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

MITCHELL A DEMPS
Claimant

SEDONA STAFFING INC
Employer

APPEAL NO. 20A-UI-00350-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 12/22/19
Claimant: Respondent (1)

871 IAC r. 24.28(6) – Previously Adjudicated Issue
Iowa Code § 96.4-3 – Able and Available
Iowa Code § 96.5-3-a – Work Refusal

STATEMENT OF THE CASE:

Employer filed an appeal from a decision of a representative dated January 2, 2020, reference 01, which held claimant eligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on January 30, 2020. Employer participated by Colleen McGuinty. Claimant failed to respond to the hearing notice and did not participate.

ISSUE:

The issue in this matter is whether the claim was previously adjudicated.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on December 7, 2018. Claimant voluntarily quit on that date to take permanent employment with his temporary employer.

This matter was adjudicated in a decision dated May 24, 2019, and by appeal number 20A-UI-00351-B2T.

REASONING AND CONCLUSIONS OF LAW:

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.

In this matter, the evidence has established that the claim was previously adjudicated by decision of May 24, 2019 reference 03. The bureau is without authority to rehear this matter as a decision was issued on the merits and is in effect. The issue cannot be adjudicated a second time.

DECISION:

The decision of the representative dated January 2, 2020, reference 01, is affirmed. Claimant is eligible to receive unemployment insurance benefits, provided claimant meets all other eligibility requirements.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/scn