

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CURTIS A DECKER
Claimant

M A MORTENSON CO
Employer

APPEAL 18A-UI-12305-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 12/09/18
Claimant: Appellant (4)

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:

The claimant filed an appeal from the December 26, 2018, (reference 02), unemployment insurance decision that denied benefits based upon a decision in a prior benefit year for the same separation. After due notice was issued, a telephone conference hearing was scheduled to be held on January 11, 2019. Claimant participated. Employer chose not to participate in the hearing.

ISSUE:

Was the separation adjudicated in a prior claim year?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The separation at issue has been adjudicated in a prior claim year effective December 10, 2017, as the unemployment insurance decision dated December 20, 2018, reference 03. That decision in favor of employer has been modified in favor of claimant.

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.

No disqualification is imposed 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. Iowa Admin. Code r. 871-24.28(6-8) and 871-24.19(1).

Inasmuch as the current decision is in conflict with the prior claim year decision, the current decision is modified in favor of the appellant.

DECISION:

The December 26, 2018, (reference 02) unemployment insurance decision is modified in favor of the appellant. Claimant is qualified to receive benefits effective December 16, 2018.

Christine A. Louis
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
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Decision Dated and Mailed

cal/scn