

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SARAH C SEALS
Claimant

APPEAL NO. 11A-UI-10607-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

CALERIS INC
Employer

**OC: 01/23/11
Claimant: Respondent (5)**

Section 96.6-3 – Final Decision
871 IAC 24.28(6) – Same Employment Separation/Previous Adjudication

STATEMENT OF THE CASE:

The employer appealed a representative's decision dated August 8, 2011 reference 01 that held claimant was eligible for benefits though a previous department decision held she voluntarily quit without good cause attributable to the employer on January 24, 2011. A hearing was scheduled for September 6, 2011. The claimant and the employer did not participate.

ISSUES:

Whether the separation from employment issue has been previously adjudicated.

Whether the claimant is eligible for benefits.

FINDINGS OF FACT:

The administrative law judge, having considered the evidence in the record, finds that: The department issued a decision on March 14, 2011 that claimant voluntarily quit without good cause attributable to the employer on January 24, 2011, and which denied benefits. The decision was not appealed and it has now become final.

When the claimant filed a new benefit year claim on January 23, 2011, the employer raised the same protest to claimant's January 24, 2011 employment separation. The department issued a decision on August 8 that cited it previously denied benefits on the claimant's employment separation, but it stated claimant was eligible for benefits. The confusion caused the employer to appeal.

The claimant and employer failed to respond to the hearing notice.

REASONING AND CONCLUSIONS OF LAW:

871 IAC 24.28(7) provides:

Voluntary quit requalifications and previously adjudicated voluntary quit issues.

(7) 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 the administrative law judge and such decision has become final.

The administrative law judge has reviewed the records and files herein and concludes that the issue of the claimant's separation from employment on January 24, 2011 has been adjudicated by a department March 14, 2011, reference 05, decision that has now become final. Claimant is denied benefits by having voluntarily quit employment without good cause.

Although the department August 8, 2011, reference 01, decision affirms the disqualifying separation as previously adjudicated, it erroneously held claimant is eligible for benefits.

DECISION:

The representative's decision dated August 8, 2011, reference 01, is modified with no effect. The department's March 14, 2011 decision that denied claimant benefits as a voluntary quit without good cause on January 24, 2011 remains in force and effect. Benefits are denied until the claimant requalifies by working in and being paid wages for insured work equal to ten times her weekly benefit amount, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/kjw