

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DONALD D BORDWELL**  
Claimant

**APPEAL NO. 11A-UI-13903-MT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**FT DODGE CORRECTIONAL FACILITY**  
Employer

**OC: 10/02/11  
Claimant: Appellant (1)**

871 IAC 24.28(6) – Previously Adjudicated Issue

**STATEMENT OF THE CASE:**

Claimant filed an appeal from the October 18, 2011, reference 02, decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call on December 13, 2011. The claimant did participate and was represented by Jerry Schnurr, Attorney at Law. The employer did participate through David Williams, Talx Hearing Representative with witness James McKinney, Warden. Exhibits A and One through Five were admitted to the record.

**ISSUE:**

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

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: This matter was adjudicated by decision dated December 1, 2010, reference 01. That matter is final.

**REASONING AND CONCLUSIONS OF LAW:**

871 IAC 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 December 1, 2010, reference 01. The bureau is without authority to rehear this matter as a decision was issued on the merits and is final. The issue cannot be adjudicated a second time.

**DECISION:**

The October 18, 2011, reference 02, decision is affirmed.

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Marlon Mormann  
Administrative Law Judge

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Decision Dated and Mailed

mdm/kjw