

**IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI**

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**Appeal Number: 04A-UI-02441-LT
OC 01-18-04 R 04
Claimant: Appellant (4)**

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

871 IAC 24(28)(6-8) – Voluntary Quit Requalification and Prior Adjudication

STATEMENT OF THE CASE:

Claimant filed a timely appeal from the March 3, 2004, reference 02, decision that denied benefits. After due notice was issued, a hearing was held on March 29, 2004. Claimant did participate. Employer did participate through Bill Bullock.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The decision at issue has been adjudicated in a prior claim year and that representative's decision was modified in favor of the appellant with no charges to employer's account pursuant to administrative law judge's decision in 04A-UI-02439-LT.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the decision at issue has been adjudicated in a prior claim year and was modified in favor of the appellant with no charges to employer's account.

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.

The issue presented was resolved in a prior claim year as the administrative law judge's decisions 04A-UI-02439-LT, which modified the decision in favor of the appellant and did not charge employer's account. The current decision referring to the prior claim year decision is modified in favor of the appellant with no charges to employer's account.

DECISION:

The March 3, 2004, reference 02, decision is modified in favor of the appellant. Pursuant to the decision in 04A-UI-02439-Lt claimant is allowed benefits and employer's account shall not be charged.

dml/b