

**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**

**ELENITA G CELINDRO
105 SUNLAND WAY
FOREST CITY IA 50436**

**WINNEBAGO INDUSTRIES
PO BOX 152
FOREST CITY IA 50436-0152**

**Appeal Number: 06A-UI-01836-DT
OC: 01/15/06 R: 02
Claimant: Appellant (1)**

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)

Section 96.6-2 - Prior Adjudication

STATEMENT OF THE CASE:

Elenita G. Celindro (claimant) appealed a representative's February 1, 2006 decision (reference 01) that concluded she was not qualified to receive unemployment insurance benefits after a separation from employment Winnebago Industries during a second claim year, due to a prior decision issued for an earlier claim year. Hearing notices were mailed to the parties' last-known addresses of record for a telephone hearing to be held on March 6, 2006. The claimant participated in the hearing. Lorna Zrostlik appeared on the employer's behalf. One other witness, Barry Bendickson, was available on behalf of the employer but did not testify. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

FINDINGS OF FACT:

The claimant established a claim for unemployment insurance benefits effective December 26, 2004. An Agency representative issued a decision dated December 22, 2005 (reference 01). That decision concluded that the claimant was not eligible for benefits. The claimant appealed that decision, and an appeal hearing was held before Administrative Law Judge Renegar on January 23, 2006. He issued a decision on the appeal in 06A-UI-00185-RT which affirmed the disqualification. As of this time, it does not appear that the claimant has appealed Judge Renegar's decision to the Employment Appeal Board; at the least, there has been no reversal issued of his decision.

The claimant prior claim year expired on December 25, 2005; she established a second claim year effective January 15, 2006. Another representative's decision was issued dated February 1, 2006 (reference 01), the subject of this appeal. That decision concluded that the prior disqualification as affirmed in Judge Renegar's decision still applied to disqualify the claimant in her new claim year. The claimant appealed that representative's decision by making a copy of the decision, writing "I appeal this" on the decision, and sending the appeal to the Appeals Section on February 13, 2006.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant is eligible for benefits in the subsequent benefit year that began January 15, 2006.

Iowa Code section 96.6-2 provides in pertinent part:

The representative shall promptly examine the claim and any protest, take the initiative to ascertain relevant information concerning the claim, and, on the basis of the facts found by the representative, shall determine whether or not the claim is valid, the week with respect to which benefits shall commence, the weekly benefit amount payable and its maximum duration, and whether any disqualification shall be imposed. . . . Unless the claimant or other interested party, after notification or within ten calendar days after notification was mailed to the claimant's last known address, files an appeal from the decision, the decision is final and benefits shall be paid or denied in accordance with the decision.

The disqualification decision entered under the prior claim year has been affirmed by an administrative law judge's decision, which has to date not been reversed. That disqualification is binding on the new claim year until or unless reversed.

DECISION:

The representative's February 1, 2006 decision (reference 01) is affirmed. The claimant is not qualified to receive unemployment insurance benefits in the new claim year until or unless the prior disqualification is reversed on further appeal to the Employment Appeal Board, or the claimant otherwise requalifies by earning ten times her weekly benefit amount. Should the decision in 06A-UI-00185-RT be appealed to the Board, the decision in this case should be combined with that appeal for full review.

ld/tjc