

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**PHILLIP S HEAD**  
Claimant

**APPEAL NO. 11A-UI-02578-M2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**AMERIPOLE INSPECTION CO**  
Employer

**OC: 01/30/11  
Claimant: Appellant (1)**

Section 96.6-2 – Previously Adjudicated  
871 IAC 24.28(6), (7) – Previous Adjudication

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated March 1, 2010, reference 01, which held the matter previously adjudicated and that denied benefits. After due notice, a telephone conference hearing was scheduled for and held on March 28, 2011. Employer participated. Claimant failed to respond to the hearing notice and did not participate.

**ISSUE:**

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

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and having considered all of the evidence in the record, finds:

This matter was adjudicated in a decision dated February 21, 2011, and by appeal number 11A-UI-02577-M2T.

**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 February 21, 2011 reference 03. The bureau is without authority to rehear this matter, as a decision was issued on the merits. The issue cannot be adjudicated a second time.

**DECISION:**

The decision of the representative dated March 1, 2011, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

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Stan McElderry  
Administrative Law Judge

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Decision Dated and Mailed

srm/kjw