

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ZAHRA A ABURAS
Claimant

APPEAL NO. 10A-UI-02187-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SDH EDUCATION WEST LLC
Employer

**Original Claim: 12/20/09
Claimant: Appellant (1)**

Section 96.6-2 - Prior Adjudication

STATEMENT OF THE CASE:

Zahra A. Aburas (claimant) appealed a representative's February 1, 2010 decision (OC 12/20/09 – reference 01) that concluded she was not qualified to receive unemployment insurance benefits after a separation from employment from SDH Education West, L.L.C. (employer), as the determination on that separation made for a prior benefit year was still in effect in the new benefit year. Hearing notices were mailed to the parties' last-known addresses of record for a telephone hearing to be held on April 2, 2010. This appeal was consolidated for hearing with three related appeals: 10A-UI-02185-DT, 10A-UI-02186-DT, and 10A-UI-02188-DT. The claimant participated in the hearing and was represented by Katie Naset, attorney at law. Judy Jesson appeared on the employer's behalf. 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.

ISSUE:

Is there a prior determination on the merits of this appeal that is binding on the parties and the outcome of this appeal?

FINDINGS OF FACT:

The claimant established a claim for unemployment insurance benefits effective December 21, 2008. An Agency representative issued a decision dated January 29, 2010 (reference 01), regarding the claimant's ineligibility for benefits in that 2008 benefit year as of September 4, 2009, because there had been a disqualifying separation from employment. As determined in the concurrently issued decision in appeal 10A-UI-02185-DT, that representative's decision regarding the separation has been affirmed.

Upon the expiration of her December 21, 2008 claim year, the claimant established a second claim year effective December 20, 2009. Another representative's decision was issued dated February 1, 2010 (reference 01), the subject of this appeal. That decision indicates that the disqualification as determined in the December 21, 2008 claim year is still in effect and results in the claimant being ineligible for benefits in the December 20, 2009 claim year.

REASONING AND CONCLUSIONS OF LAW:

If a prior determination has been made on the same issue and the adversely affected party fails to make a timely appeal of a representative's decision, the decision on that issue has become final and is not subject to further review, and will be binding on the parties in related proceedings.

The establishment of a new claim year does not negate or erase the affect of the prior determination. Iowa Code § 96.6-2. As the initial disqualification decision issued under the December 21, 2008 claim year has now been affirmed, the claimant is still disqualified in her December 20, 2009 claim year.

DECISION:

The representative's February 1, 2010 decision (OC 12/20/09 – reference 01) is affirmed. The prior disqualification decision is still in effect, so benefits are withheld until such time as the claimant has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/kjw