

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

KIM K CHRISTENSEN
Claimant

APPEAL 17A-UI-09695-LJ

**ADMINISTRATIVE LAW JUDGE
DECISION**

WAL-MART STORES INC
Employer

OC: 08/13/17
Claimant: Appellant (1)

Iowa Code § 96.6(2) – Timeliness of Appeal
Iowa Code § 96.6(3) – Appeals
Iowa Admin. Code r. 871-24.19(1) – Determination and Review of Benefit Rights
Iowa Admin. Code r. 871-24.28(6-8) – Prior Adjudication

STATEMENT OF THE CASE:

The claimant filed an appeal from the August 23, 2017, (reference 01) unemployment insurance decision that denied benefits based upon a decision in a prior benefit year for the same separation. After due notice was issued, an in-person hearing was held in Des Moines, Iowa, on October 6, 2017. Claimant Kim Christensen participated and was represented by non-attorney representative Tina Christensen, her sister-in-law. Employer Wal Mart Stores, Inc., participated through Zondra Wilburn, Assistant Store Manager; and Sam Elrod, Human Resources.

ISSUE:

Was the separation adjudicated in a prior claim year?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The separation at issue has been adjudicated in a prior claim year effective August 14, 2016, as the unemployment insurance decision dated September 9, 2016, reference 02. That decision in favor of the employer has been affirmed. See 16A-UI-09943-B2T.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that even if the appeal was deemed timely filed, the separation at issue has been adjudicated in a prior claim year.

Iowa Admin. Code r. 871-24.28(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.

Iowa Admin. Code r. 871-24.19(1) provides:

Claims for benefits shall be promptly determined by the department on the basis of such facts as it may obtain. Notice of such determination shall be promptly given to each claimant and to any employer whose employment relationship with the claimant, or the claimant's separation therefrom, involves actual or potential disqualifying issues relevant to the determination. . . . The notice of appeal rights shall state clearly the place and manner for taking an appeal from the determination and the period within which an appeal may be taken. Unless the claimant or any other such party entitled to notice, within ten days after such notification was mailed to such claimant's last-known address, files with the department a written request for a review of or an appeal from such determination, such determination shall be final.

Inasmuch as the issue presented was resolved in a prior claim year, the current decision, referring to the prior claim year decision for the same separation date, is affirmed.

DECISION:

The August 23, 2017 (reference 01) unemployment insurance decision is affirmed. The prior decision on the separation remains in effect.

Elizabeth A. Johnson
Administrative Law Judge

Decision Dated and Mailed

lj/scn