

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

---

**ROGER L DILLINGER**  
Claimant

**WIESE INDUSTRIES INC**  
Employer

**APPEAL 15A-UI-00534-H2T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 12/28/14**  
**Claimant: Appellant (2)**

---

871 IAC 24.19(1) – Determination and Review of Benefit Rights  
871 IAC 24.28(6-8) – Prior Adjudication

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the January 7, 2015 (reference 02) decision that denied benefits based upon a decision in a prior benefit year for the same separation. After due notice was issued, a telephone conference hearing was scheduled to be held on February 6, 2015. A review of the agency records indicated that no hearing was necessary and no hearing was held.

**ISSUE:**

The issue is whether the separation was adjudicated in a prior claim year.

**FINDINGS OF FACT:**

Having heard the testimony and having reviewed the evidence in the record, the administrative law judge finds: The separation issue presented was resolved in a prior claim year (original claim date July 14, 2013) as the representative's decision dated May 16, 2014 (reference 01). Claimant's appeal from that decision has been modified in favor of the claimant in appeal number 15A-UI-00533-H2T).

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the separation at issue has been adjudicated in a prior claim year and that decision has been modified in favor of the claimant. Accordingly, this decision is reversed.

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.

871 IAC 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.

The current decision, referring to the prior claim year decision on the same separation date, is reversed. Since the claimant has requalified for benefits, the account of employer Wiese Industries will not be charged. Benefits are allowed, **provided the claimant is otherwise eligible**. As of the date of this hearing the claimant is not currently eligible for benefits.

**DECISION:**

The January 7, 2015 (reference 02) decision is reversed since the prior decision on the separation has been modified in favor of the claimant. Benefits are allowed, provided the claimant is otherwise eligible.

---

Teresa K. Hillary  
Administrative Law Judge

---

Decision Dated and Mailed

tkh/pjs