

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JENNIFER A LAMB
Claimant

SALON ARIA LLC
Employer

APPEAL 22A-UI-03384-AW-T
ADMINISTRATIVE LAW JUDGE
DECISION

OC: 03/15/20
Claimant: Appellant (1)

Iowa Code § 96.6(3) – Appeals
Iowa Admin. Code r. 871-24.28 – Prior Adjudication

STATEMENT OF THE CASE:

Claimant filed an appeal from the January 18, 2022 (reference 05) unemployment insurance decision that found the issue of claimant's May 16, 2020 separation from Salon Aria was previously adjudicated in a different claim year. The parties were properly notified of the hearing. A telephone hearing was scheduled for March 21, 2022. Claimant was present with her husband and non-attorney representative Michael Lamb. Employer was present through owner Christine McClimon. No hearing was held because claimant requested that a decision be made based upon the administrative record. Employer did not object. No exhibits were admitted. Official notice was taken of the administrative record.

ISSUE:

Whether the issue has been previously adjudicated.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

Claimant filed an initial claim for benefits effective March 15, 2020 and a claim for a second benefit year effective March 14, 2021. On January 5, 2022, an Administrative Law Judge issued a decision that denied benefits finding claimant voluntarily quit her employment with Salon Aria on May 16, 2020 (see appeal 21A-UI-22653-CS-T); the decision was made in benefit year March 14, 2021. The January 5, 2022 decision has been affirmed by the Employment Appeal Board and remains in effect.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes:

Iowa Code section 96.6(3) provides:

3. Appeals. a. Unless the appeal is withdrawn, an administrative law judge, after affording the parties reasonable opportunity for fair hearing, shall affirm or modify the findings of fact and decision of the representative. The hearing shall be conducted pursuant to the provisions of chapter 17A relating to hearings for contested cases. Before the hearing is scheduled, the parties shall be afforded the opportunity to choose either a telephone hearing or an in-person hearing. A request for an in-person hearing shall be approved unless the in-person hearing would be impractical because of the distance between the parties to the hearing. The notice for a telephone or in-person hearing shall be sent to all the parties at least ten calendar days before the hearing date. Reasonable requests for the postponement of a hearing shall be granted. The parties shall be duly notified of the administrative law judge's decision, together with the administrative law judge's reasons for the decision, which is the final decision of the department, unless within fifteen days after the date of notification or mailing of the decision, further appeal is initiated pursuant to this section.

b. Appeals from the initial determination shall be heard by an administrative law judge employed by the department. An administrative law judge's decision may be appealed by any party to the employment appeal board created in section 10A.601. The decision of the appeal board is final agency action and an appeal of the decision shall be made directly to the district court.

No disqualification is imposed if a decision on the 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. 871-24.28.

Claimant's separation from employer was adjudicated in a different claim year. That decision has become final.

DECISION:

The January 18, 2022 (reference 05) unemployment insurance decision is affirmed. The issue of separation was previously adjudicated in a different claim year. That decision is final.



Adrienne C. Williamson
Administrative Law Judge
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March 30, 2022
Decision Dated and Mailed

acw/ACW