

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RICHARD C ABBAS
Claimant

APPEAL NO: 10A-UI-12377-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

DEERE & CO DELAWARE
Employer

OC: 08/01/10
Claimant: Appellant (1)

Section 96.6-4- Previously Adjudicated Issue

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's August 26, 2010 determination (reference 01) that held him ineligible to receive benefits because his March 10, 2010 employment separation had been previously adjudicated. A hearing was initially held on October 18, 2010. Although the claimant called the Appeals Section before the scheduled hearing, a clerical error was made and his phone number was not recorded. As a result of the Appeals Section making an error, this matter was reopened so the claimant could participate in the hearing.

Another hearing was held on November 15, 2010. The claimant participated in the hearing. Brian Cox appeared again on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits based on a previous adjudication of his March 10, 2010 employment separation.

ISSUE:

If a separation has been adjudicated in a previous benefit year can it be adjudicated again in a subsequent benefit year?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of August 2, 2009. In a July 2010 decision, an administrative law judge decided the claimant was disqualified from receiving benefits because he voluntarily quit his employment on March 10, 2010, without good cause. See decision for appeal 10A-UI-07271-S2T. The claimant appealed this decision to the Employment Appeal Board. On September 14, 2010, the Employment Appeal Board affirmed the administrative law judge's July 2010 decision. See decision for 10B-07271.

On August 10, 2010, the claimant established a new benefit year. The claimant has not worked since March 10, 2010.

REASONING AND CONCLUSIONS OF LAW:

A finding of fact or law, judgment, conclusion, or final order made by an employee or representative of Workforce Development, an Administrative Law Judge, or the Employment Appeal Board, is binding upon the parties in connection with proceedings pertaining to the Iowa Employment Security Act. See Iowa Code section 96.6(4). In July 2010 an administrative law issued a decision that held the claimant was not qualified to receive benefits based on his March 10, 2010 employment separation from the employer. This decision was affirmed by the Employment Appeal Board in mid-September 2010. Even though the claimant established a new benefits year during the week of August 10, 2010, this did not create a new right for the claimant to re-litigate his disqualification for benefits. Parties are precluded from litigating the same issues when a new or additional claim is filed. The administrative law judge has no legal authority to re-adjudicate the March 10, 2010 separation.

DECISION:

The representative's August 26, 2010 determination (reference 01) is affirmed. The March 10, 2010 separation was previously adjudicated and that adjudication continues to bind the parties. The claimant remains disqualified from receiving benefits until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer's account will not be charged for any benefits that may be paid to the claimant.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs