

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**RANDY L TORNOW**  
Claimant

**APPEAL NO. 10A-UI-00817-MT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CONSOLIDATED GRAIN & BARGE CO**  
Employer

**OC: 11/30/08**  
**Claimant: Appellant (1)**

Section 96.5-2-a – Discharge for Misconduct  
871 IAC 24.28(6) – Previously Adjudicated Issue

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated January 12, 2010, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on February 25, 2010. Claimant participated personally. Employer participated by Charlie Schultz, Operations Manager.

**ISSUE:**

The issue in this matter is whether the claim was previously adjudicated.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: This matter was previously adjudicated in a decision dated January 7, 2010, reference number 02. The issue is thereby moot as a decision is pending on this issue.

**REASONING AND CONCLUSIONS OF LAW:**

871 IAC 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.

In this matter, the evidence has established that the claim was previously adjudicated by decision of January 7, 2010 reference 02. The bureau is without authority to rehear this matter as a decision was issued on the merits and is pending. The issue cannot be adjudicated a second time.

**DECISION:**

The decision of the representative dated January 12, 2010, reference 01, is moot.

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Marlon Mormann  
Administrative Law Judge

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Decision Dated and Mailed

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