

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**MICHAEL J SMALL**  
Claimant

**BEISSERS INC**  
Employer

**APPEAL 16A-UI-11290-DB**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 09/18/16**  
**Claimant: Appellant (1)**

Iowa Code § 96.6(3) - Appeals  
871 IAC 24.19(1) – Determination and review of benefit rights

**STATEMENT OF THE CASE:**

The claimant/appellant filed an appeal from the October 11, 2016 (reference 02) unemployment insurance decision that found claimant ineligible to receive benefits because a decision on the October 8, 2015 separation was made on a prior claim and that decision remains in effect. The parties were properly notified of the hearing. An in-person hearing was held on November 7, 2016. The claimant, Michael J. Small, participated personally. The employer, Beissers Inc., participated through Human Resources Manager Robert Lambersen. The administrative law judge took administrative notice of the claimant's unemployment insurance record including the fact-finding documents.

**ISSUE:**

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

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The decision at issue in this case was with regard to a separation which occurred in August of 2015. The decision regarding this separation was made on October 9, 2015 and was adjudicated in a prior claim year. That decision has become final.

**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 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. Such notice to the claimant shall advise of the weekly benefit amount, duration of benefits, wage

records, other data pertinent to benefit rights, and if disqualified, the time of and reason for such disqualification. If a claimant is ineligible, such claimant shall be advised of such ineligibility and the reason therefor. Each notice of benefit determination which the department is required to furnish to the claimant shall, in addition to stating the decision and its reasons, include a notice specifying the claimant's appeal rights. 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 such other 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.

871 IAC 24.19(3) provides:

Upon receiving a written request for review or, on its own initiative and on the basis of the facts as it may have in its possession or may acquire, the claims section may affirm, modify, or reverse the prior decision, or refer the claim to an administrative law judge. The claimant or any other party filing the request for review shall be promptly notified of the decision or referral. Unless the claimant or any other party files an appeal within ten days after the date of mailing, the latter decision shall be final and benefits shall be paid or denied in accordance therewith.

The separation from employment issue presented was resolved in a prior claim year (original claim date September 20, 2015) as the representative's decision dated October 9, 2015 (reference 01) and that decision has become final. The current decision, referring to the prior claim year decision for the same separation date, is affirmed.

**DECISION:**

The October 11, 2016 (reference 02) decision is affirmed. The prior decision on the separation remains in effect.

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Dawn Boucher  
Administrative Law Judge

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Decision Dated and Mailed

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