

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI	
MICA CAVIN Claimant	APPEAL NO: 12A-UI-12465-BT
CASEY'S MARKETING COMPANY Employer	ADMINISTRATIVE LAW JUDGE DECISION
	OC: 06/17/12 Claimant: Appellant (1)

Iowa Code § 96.5-2-a - Prior Adjudication of a Discharge Separation

STATEMENT OF THE CASE:

Mica Cavin (claimant) appealed an unemployment insurance decision dated September 26, 2012, reference 05, which held that her separation from Casey's Marketing Company (employer) had been adjudicated on a prior claim and that decision remains in effect. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on November 13, 2012. The claimant participated in the hearing. The employer participated through Peggy Lettington, Area Supervisor. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

The issue is whether the separation in the case herein has been previously adjudicated.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: On September 17, 2012, a decision was issued concerning the claimant's separation from the employer. The claimant's appeal to the decision herein was also considered an appeal to the original decision. The hearing regarding the claimant's separation from this employer is being held simultaneously with this hearing. Consequently, that decision is controlling and will become final unless an appeal is filed.

REASONING AND CONCLUSIONS OF LAW:

The issue to be determined is whether the claimant's separation from this employer has been previously adjudicated.

Iowa Code § 96.5-2-a provides:

An individual shall be disqualified for benefits:

2. Discharge for misconduct. If the department finds that the individual has been discharged for misconduct in connection with the individual's employment:

a. The individual shall be disqualified for benefits until the individual has worked in and has been paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

There was, in fact, a decision issued in conjunction with this decision. If no appeal is filed, the decision will become final pursuant to Iowa Code § 96.6-2. Accordingly, the parties are bound by that decision and are precluded from litigating anew the claimant's separation from employment.

DECISION:

The unemployment insurance decision dated September 26, 2012, reference 05, is affirmed. The matter was previously adjudicated.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/css