

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**BEVERLY GIBSON**

Claimant

**APPEAL 21A-UI-03879-AD-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**HY-VEE INC**

Employer

**OC: 02/02/20**

**Claimant: Appellant (6)**

Iowa Code § 96.6(3) – Appeals

Iowa Admin. Code r. 871-24.19(1) – Determination and Review of Benefit Rights

**STATEMENT OF THE CASE:**

On January 26, 2021, Beverly Gibson (claimant/appellant) filed an appeal from the July 17, 2021 (reference 04) unemployment insurance decision that denied benefits as of March 15, 2020 based on a finding claimant was still employed for the same hours and wages and so not partially unemployed.

A telephone hearing was held on March 19, 2021. The parties were properly notified of the hearing. Claimant participated personally. Residential support supervisor Josie Krause and program manager Erik Gregersen participated as witnesses for claimant. Hy-Vee Inc (employer/respondent) did not register a number for the hearing and did not participate.

Claimant's exhibit 1 was admitted. Official notice was taken of the administrative record.

**ISSUE:**

Was the issue adjudicated in a prior representative's decision?

**FINDINGS OF FACT:**

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

The issues in this matter were adjudicated in an appeal from a February 21, 2020 (reference 01) decision. See 21A-UI-03878-AD-T.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the issues in this matter have already been adjudicated. The decision adjudicating those issues remains in force.

Iowa Admin. Code r. 871-24.19(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. . . . 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 other such 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.

The issues in this matter were adjudicated in an appeal from a February 21, 2020 (reference 01) decision. See 21A-UI-03878-AD-T. That decision remains in force unless and until it is appealed further and a new determination is reached.

**DECISION:**

The administrative law judge concludes the issues in this matter have already been adjudicated. The decision adjudicating those issues remains in force.



---

Andrew B. Duffelmeyer  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax (515) 478-3528

March 25, 2021  
Decision Dated and Mailed

abd/lj

**Note to Claimant:**

If you disagree with this decision, you may file an appeal with the Employment Appeal Board by following the instructions on the first page of this decision. If this decision denies benefits, you may be responsible for paying back benefits already received.

Individuals who are disqualified from or are otherwise ineligible for regular unemployment insurance benefits but who are unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.