

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DAVID M LAMERE
Claimant

APPEAL NO. 16A-UI-13690-TNT

**ADMINISTRATIVE LAW JUDGE
DECISION**

RIVER TRAILS TRANSIT LINES INC
Employer

OC: 12/04/16
Claimant: Appellant (1)

IAC r. 271-24.8(8) – Prior Adjudication

STATEMENT OF THE CASE:

Mr. Lamere, the claimant, filed an appeal from the December 21, 2016, reference 02, decision that denied benefits based upon a decision that had been previously adjudicated by Iowa Workforce Development in the claimant's prior benefit year for the same job separation. After due notice was provided, a telephone hearing was held on January 19, 2017. The claimant participated. The employer participated by Ms. Terri Richardson, Human Resource Manager.

ISSUE:

The issue is whether the separation has been adjudicated on a prior benefit year.

FINDINGS OF FACT:

Having considered all of the evidence in the record, the administrative law judge finds: The decision at issue has been previously adjudicated on Mr. Lamere's prior benefit year (original claim date 12/06/15). Mr. Lamere filed an appeal from the initial determination after an administrative telephone hearing was held and an administrative law judge decision has affirmed the decision of Iowa Workforce Development on Mr. Lamere's job separation made during his previous benefit year.

REASONING AND CONCLUSIONS OF LAW:

For the following reasons the administrative law judge concludes that the job separation issue has been adjudicated in Mr. Lamere's prior claim year, the decision had been appealed, the administrative hearing has been held, and an administrative law judge decision affirming that the claimant's job separation took place under disqualifying conditions. Mr. Lamere subsequently filed for unemployment insurance benefits with a new benefit year effective December 4, 2016.

Iowa Admin. Code r. 871-24.28(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.

The issue presented in this appeal had been adjudicated in Mr. Lamere's prior benefit year (original claim date 12/06/15). The representative's decision dated December 21, 2016, reference 02, refers to the prior claim year's decision on the same job separation. The determination that the issue has previously been adjudicated on a prior benefit year is affirmed.

DECISION:

The December 21, reference 02, decision is affirmed. The prior decision on the claimant's job separation made during the claimant's previous benefit year remains in effect, pending any further appeals.

Terry Nice
Administrative Law Judge

Decision Dated and Mailed

rvs/rvs