

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**SOPHIA ALEY**  
Claimant

**APPEAL NO. 10A-UI-09360-LT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**TEXAS ROADHOUSE  
MANAGEMENT CORPORATION**  
Employer

**OC: 05/30/10**  
**Claimant: Appellant (4)**

871 IAC 24.19(1) – Determination and Review of Benefit Rights  
871 IAC 24.28(6-8) – Prior Adjudication  
Iowa Code § 96.5(1) – Voluntary Leaving

**STATEMENT OF THE CASE:**

Claimant filed an appeal from the June 23, 2010 (reference 02) decision that denied benefits based upon a decision in a prior benefit year for the same separation that allowed benefits, depending on eligibility, because of leaving part-time employment without good cause attributable to the employer. After due notice was issued, a hearing was held by telephone conference call on August 17, 2010. Claimant participated. Employer did not respond to the hearing notice instructions and did not participate.

**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 has been adjudicated in a prior claim year and 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 24.28(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.

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. . . . 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 issue presented was resolved in a prior claim year (original claim date 02/01/09) as the representative's decision dated June 18, 2009 (reference 02) and the related administrative law judge's (ALJ) decision dated July 17, 2009. The current decision, referring to the prior claim year decision for the same separation date, is modified in favor of the appellant, as was the prior ALJ's decision.

**DECISION:**

The June 23, 2010 (reference 02) decision is modified in favor of the appellant. The prior decision on the separation remains in effect.

**REMAND:**

The monetary eligibility issue for the current claim year after the quit of this part-time employment (employer account number 294515) is remanded to the claims section of Iowa Workforce Development for an initial investigation and determination.

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Dévon M. Lewis  
Administrative Law Judge

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Decision Dated and Mailed

dml/kjw