

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**DAMEATRA SPEIRS**

Claimant

**APPEAL NO. 21A-UI-03547-B2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OZARK AUTOMOTIVE DISTRIBUTORS INC**

Employer

**OC: 05/10/20**

**Claimant: Appellant (2)**

871 IAC r. 24.28(6) – Previously Adjudicated Issue  
Iowa Admin. Code ch. 871 r. 24.23(10) – Leave of Absence  
Iowa Code § 96.4-3 – Able and Available

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated January 14, 2021, reference 02, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on March 29, 2021. Claimant participated personally. Employer participated by Julie Akers. Claimant's Exhibits A-B and Employer's Exhibits 1-14 were admitted into evidence.

**ISSUE:**

The issue in this matter is whether the claim was previously adjudicated.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant continues to work for employer at this time. Claimant missed days from work between the week ending May 16 and June 20, 2020. The days missed were because employer asked claimant to stay home to quarantine for Covid although claimant was never tested and wanted to continue working.

This matter was adjudicated in a decision dated March 29, 2021, and by appeal number 21A-UI-03546-B2. It appears that a separate reference number and decision was issued because employer is registered as both O'Reilly Automotive and Ozark Automotive Distributors although they are the same company. Claimant has been working for the company since 2008.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Admin. Code r. 871-24.28(6) provides:

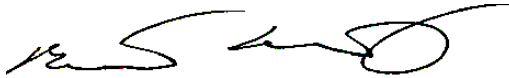
Voluntary quit requalifications and previously adjudicated voluntary quit issues.

(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.

In this matter, the evidence has established that the claim was previously adjudicated by a decision of March 29, 2021 reference 01. The bureau is without authority to rehear this matter as a decision was issued on the merits and claimant was allowed benefits. The issue need not be adjudicated a second time.

**DECISION:**

The decision of the representative dated January 14, 2021, reference 02, is reversed. Claimant is eligible to receive unemployment insurance benefits, provided claimant meets all other eligibility requirements.



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Blair A. Bennett  
Administrative Law Judge

March 31, 2021  
Decision Dated and Mailed

bab/scn