

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JACOB SHELTON
Claimant

APPEAL NO: 12A-UI-12037-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

BONNESEN INSTALLATION
Employer

OC: 09/02/12
Claimant: Appellant (1)

871 IAC 24.28(6) - Separation Previously Adjudicated

STATEMENT OF THE CASE:

Jacob Shelton (claimant) appealed an unemployment insurance decision dated September 25, 2012, reference 01, which held that his separation from Bonnesen Installation (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 October 31, 2012. The claimant participated in the hearing. Based on the evidence, the arguments of the party, 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 having considered all of the evidence in the record, finds that: On April 30, 2012, a decision was issued concerning the claimant's April 4, 2012 separation from the employer. The claimant filed an appeal to the original decision and 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.

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.

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. The administrative law judge has no legal authority to re-adjudicate an otherwise final determination.

DECISION:

The unemployment insurance decision dated September 25, 2012, reference 01, is affirmed. The claimant's separation has been previously adjudicated and that decision will become final in the absence of a timely appeal.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/kjw