

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CAROLINA R BALILI
Claimant

APPEAL NO. 13A-UI-00651-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**ADVANTAGE NURSING SERVICES
OF IOWA**
Employer

OC: 12/16/12
Claimant: Respondent (4)

871 IAC 24.19(1) – Determination and Review of Benefit Rights
871 IAC 24.28(6-8) – Prior Adjudication

STATEMENT OF THE CASE:

Employer filed an appeal from the January 11, 2013, reference 02, decision that allowed benefits based upon an allowance decision in a prior benefit year for the same separation. After due notice was issued, a hearing was held by telephone conference call on February 20, 2013. Claimant did not participate. Employer did participate through Shannon Meier, Director of Human Resources.

ISSUE:

The issue is whether the matter has been previously adjudicated.

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. A representative's decision was issued on January 11, 2013, reference 02, reiterating the previous decision. The 2011 decision stated that the employer will not be charged. The 2013 decision stated the employer may be charged.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the decision 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 September 25, 2011) as the representative's decision dated October 24, 2011, reference 03. The current decision referring to the prior claim year decision is modified to mirror the prior decision indicating that the employer will not be charged.

DECISION:

The January 11, 2013, reference 02, decision is modified in favor of the appellant. The prior decision on the separation remains in effect. The employer will not be charged.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/pjs