

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**SHANA HOLMES**  
Claimant

**MIDWEST JANITORIAL SERVICE INC**  
Employer

**APPEAL 21A-UI-10491-SN-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 01/17/21**  
**Claimant: Appellant (2)**

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

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the March 24, 2021, (reference 02) unemployment insurance decision that denied benefits based upon her voluntary quit. The parties were properly notified about the hearing. A telephone hearing was held on June 30, 2021. This hearing was conducted jointly with 21A-UI-10490-SN-T. Claimant participated and testified. The claimant was represented by Teri Smitz, attorney at law. The employer participated through Director of Administration Erin Decker. Official notice was taken of the agency records.

**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 claimant's separation from employment occurred in a previous claim year. However, a representative's decision, reference 08, was not mailed to the claimant's address until March 22, 2021. The representative's decision stated she had until April 1, 2021 to appeal this decision.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the separation at issue was filed in a previous claim year, but had not become final.

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

Voluntary quit re-qualifications 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.

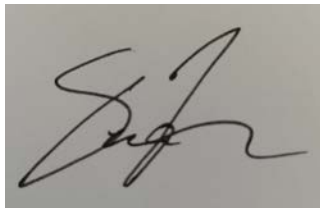
Iowa Admin. Code r. 24.19(1) provides:

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 not resolved in a prior claim year. It is true that this claim and the underlying separation occurred in 2020 (original claim date January 19, 2020). However, the claimant did not receive the representative's decision March 22, 2021, reference 08, until the date of the letter. That decision was not final because the claimant had until April 1, 2021 to appeal it and she did. As a result, the claim was not adjudicated in a prior year.

**DECISION:**

The March 24, 2021, reference 02, decision is reversed. The separation was not adjudicated in a prior claim year. The administrative law judge evaluated that separation in the companion case, 21-UI-10490-SN-T.



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Sean M. Nelson  
Administrative Law Judge  
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July 15, 2021  
Decision Dated and Mailed

smn/scn