

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**SUE A OLDENBURGER**

Claimant

**APPEAL 17A-UI-04665-JCT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**SIMPLY ESSENTIALS LLC**

Employer

**OC: 04/16/17**

**Claimant: Respondent (1)**

Iowa Code § 96.6(3) – Appeals

Iowa Admin. Code r. 871-24.19(1) – Determination and Review of Benefit Rights

Iowa Admin. Code r. 871-24.28(6-8) – Prior Adjudication

**STATEMENT OF THE CASE:**

The employer filed an appeal from the April 28, 2017, (reference 01) decision that allowed benefits based upon a decision in a prior benefit year for the same separation. After due notice was issued, a hearing was held by telephone conference call on May 19, 2017. Claimant participated personally. Employer participated through Clint Richmond, human resources and safety manager. Employer Exhibit A and Department Exhibit D-1 were received into evidence. The administrative law judge took official notice of the administrative records including the fact-finding documents and NMRO. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUES:**

Was the separation adjudicated in a prior claim year?

Was the issue adjudicated in a prior representative's decision?

**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. The initial representative's decision regarding the claimant's September 26, 2017 separation (original claim date April 17, 2016) was addressed in the representative's decision dated October 13, 2016 (See Appeal 17A-UI-04665-JC-T.) The employer did not file a timely appeal to the decision.

**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. The employer did not file a timely appeal to the decision. (See Appeal 17A-UI-04665-JC-T.)

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.

Iowa Admin. Code r. 871-24.19(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 April 17, 2016) as the representative's decision dated October 13, 2016, (reference 02). The current decision, referring to the prior claim year decision for the same separation date, is affirmed. The employer is not allowed to have the matter re-decided simply because the claimant filed a new claim in a different benefit year.

**DECISION:**

The April 28, 2017, (reference 01) decision is affirmed. The prior decision on the separation remains in effect.

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Jennifer L. Beckman  
Administrative Law Judge

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Decision Dated and Mailed

jlb/scn