

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**RODNEY D BROWN**  
Claimant

**APPEAL NO. 12A-UI-08854-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**EMPLOYER'S SERVICE BUREAU INC**  
Employer

**OC: 07/08/12**  
**Claimant: Respondent (1)**

Section 96.6-2 – Finality of Appeal

**STATEMENT OF THE CASE:**

The employer appealed an unemployment insurance decision dated July 18, 2012, reference 02, that concluded a decision had been made on the claimant's separation from work in a previous benefit year and remained in effect. A telephone hearing was held on August 17, 2012. The parties were properly notified about the hearing. The claimant participated in the hearing. Joe Rausenberger participated in the hearing on behalf of the employer. Exhibit A-1 was admitted into evidence at the hearing.

**ISSUE:**

Was a decision made on the claimant's separation from work in a previous benefit year and did it become final?

**FINDINGS OF FACT:**

The claimant filed a new claim for unemployment insurance benefits effective July 10, 2011, after his employment with the employer ended. The employer protested the claim and participated in the fact-finding interview on July 29, 2011.

An unemployment insurance decision was mailed to the employer's last-known address of record on August 1, 2011. The decision concluded the claimant's discharge was not for work-connected misconduct and stated the decision was final unless a written appeal was postmarked or received by the Appeals Section by August 11, 2011.

The employer received the decision within the ten-day period for appealing the decision. The person who normally handles unemployment insurance matters, Joe Rausenberger, was on vacation when the decision was received and does not recall seeing the decision. It is likely that someone else in management received the decision. No appeal was filed within 10 days.

In a decision in Appeal 12A-UI-08853-SWT, the judge decided the employer's appeal was not filed timely and the decision granting benefits remained in effect.

**REASONING AND CONCLUSIONS OF LAW:**

The issue is whether a decision was made on the claimant's separation from work in a previous benefit year and did it become final.

The law states that an unemployment insurance decision is final unless a party appeals the decision within ten days after the decision was mailed to the party's last known address. Iowa Code § 96.6-2. In a decision in Appeal 12A-UI-08853-SWT, it was decided the employer's appeal was not filed timely and the decision granting benefits remained in effect. The employer does not get a second chance to appeal the decision because the claimant filed for a second benefit year.

**DECISION:**

The unemployment insurance decision dated July 18, 2012, reference 02, is affirmed. A decision was made on the claimant's separation from work in a previous benefit year and it is final.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/pjs