

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KOFFA PLAWSON
Claimant

APPEAL NO. 10A-UI-05323-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

SWIFT & COMPANY
Employer

OC: 03/14/10
Claimant: Appellant (1)

871 IAC 24.28(6) - Previous Adjudication/Department Decision

STATEMENT OF THE CASE:

The claimant appealed a department representative's decision dated March 24, 2010, reference 02, that held a previous decision had been made on the claimant's separation of employment on June 3, 2009 that disqualified him, and benefits are denied. A hearing was held on May 26, 2010. The claimant did not participate. Joe Nevell, Training Manager, participated for the employer.

ISSUE:

Whether the separation from employment issue has been previously adjudicated.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witness, and having considered the evidence in the record, finds that: The claimant filed an unemployment claim effective October 26, 2008. The department denied claimant benefits by reason of his October 14, 2008 separation of employment at Spherion Atlantic Enterprise.

The claimant went to work at Swift & Company, and he separated from employment on May 27, 2009 due to an incarceration. The department issued a decision on June 30, 2009 that claimant voluntarily quit without good cause on June 3, 2009, and benefits were denied. The claimant did not appeal the department decision. The claimant has not been re-employed by the employer.

The claimant was not available at the phone number he provided for the hearing.

REASONING AND CONCLUSIONS OF LAW:

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.

The administrative law judge has reviewed the records and files herein and concludes that the issue of the claimant's separation from employment on June 3, 2009 has been adjudicated on his prior claim dated October 26, 2008.

Since the claimant has not become re-employed by the employer and there was no further claimant appeal, there is no other issue to resolve in this matter. The department decision dated June 30, 2009 has become final and is dispositive on the separation issue.

DECISION:

The decision of the representative dated March 24, 2010, reference 02, is affirmed. The department decision dated June 30, 2009 is controlling on the claimant's separation from employment on June 3, 2009, and this decision denies claimant benefits.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

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