

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

JOHN P LAMAR
Claimant

BERNS MOVING INC
Employer

APPEAL 20A-UI-13926-DG-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/29/20
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quitting
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 claimant filed an appeal from the October 27, 2020, (reference 02) decision that denied benefits. That December 12, 2019 separation issue from this employer was previously adjudicated in appeal number 20A-UI-04037 by an administrative law judge. A decision was issued on June 18, 2020 which denied benefits.

After due notice was issued, a hearing was held by telephone conference call on January 6, 2021. Claimant participated. Employer did not participate.

ISSUE:

Was the issue adjudicated in a prior Administrative Law Judge'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 administrative law judge's decision in appeal number 20A-UI-04037 and that decision has become final.

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 administrative law judge's decision in appeal number 20A-UI-04037 and that decision has become final.

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 administrative law judge's decision in appeal number 20A-UI-04037 dated June 18, 2020, (reference 01). That decision has become final.

DECISION:

The October 27, 2020, (reference 02) decision is affirmed. That issues was previously adjudicated in appeal number 20A-UI-04037. The prior administrative law judge's decision dated June 18, 2020 remains in effect.



Duane L. Golden
Administrative Law Judge

January 26, 2021
Decision Dated and Mailed

dg/scn