

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**RANDY J SHORT**  
Claimant

**KELLY SERVICES USA LLC**  
Employer

**APPEAL 17A-UI-12128-JP-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 11/05/17**  
**Claimant: Appellant (2)**

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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 November 17, 2017, (reference 01) unemployment insurance decision that denied benefits based upon a decision in a prior benefit year for the same separation. The parties were properly notified about the hearing. A telephone hearing was held on December 14, 2017. Claimant participated. Employer did not register for the hearing and did not participate. Official notice was taken of the administrative record with no objection.

**ISSUE:**

Was the separation adjudicated in a prior claim year?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The separation at issue has been adjudicated in a prior claim year effective October 30, 2016, as the unemployment insurance decision dated November 13, 2017, reference 02. That decision in favor of the employer has been reversed in appeal number 17A-UI-12127-JP-T.

**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 been reversed in appeal number 17A-UI-12127-JP-T. Accordingly, this decision is also reversed.

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 separation issue presented was resolved in a prior claim year (original claim date October 30, 2016) as the representative's decision dated November 13, 2017, (reference 02). Claimant's appeal from that decision has been reversed in appeal number 17A-UI-12127-JP-T. The current decision, referring to the prior claim year decision on the same separation date, is reversed.

**DECISION:**

The November 17, 2017, (reference 01) unemployment insurance decision is reversed since the prior decision on the separation has been reversed. Benefits are allowed, provided claimant is otherwise eligible.

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Jeremy Peterson  
Administrative Law Judge

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Decision Dated and Mailed

jp/rvs