

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TIMOTHY J HUBBARD
Claimant

APPEAL NO. 12A-UI-06105-VST

**ADMINISTRATIVE LAW JUDGE
DECISION**

MASTERTON PERSONNEL INC
Employer

OC: 05/06/12
Claimant: Appellant (1)

871 IAC 24.28(6) – Prior Adjudication

STATEMENT OF THE CASE:

The claimant filed an appeal from a decision of a representative dated May 16, 2012, reference 02, which held that the claimant was not eligible to receive unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for July 30, 2012. The employer was available. The claimant was not available when called by the administrative law judge. A message was left for the claimant, which he did not return until 2:17 p.m., which was after the record was closed. Due to the nature of the issue in this case, no testimony was taken from the employer. Official notice is taken of agency records.

ISSUE:

Whether the claimant's separation from employment has been previously adjudicated.

FINDINGS OF FACT:

The administrative law judge, having considered all of the evidence in the record, makes the following findings of fact:

The claimant established an original claim for benefits with an original claim date of January 2, 2011. A hearing was held before an administrative law judge on October 19, 2011. In a decision dated October 24, 2011, the claimant was disqualified from receiving benefits due to his separation from Masterson Personnel. (11A-UI-12728-H2T) That decision was not appealed to the Employment Appeal Board (EAB).

A new claim was established on May 6, 2012. The claimant still has wages in his base period from his employment with Masterson Personnel. The representative ruled that the claimant was not eligible for benefits because of the prior adjudication.

The claimant had been receiving unemployment insurance benefits for the weeks ending May 12, 2012, through the week ending July 14, 2012. Masterson's account has not been charged.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes that the separation issue has been adjudicated in a prior claim year and that decision has become final. (See appeal number 11A-UI-12728-H2T).

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.

A decision was previously made on this separation of employment in a prior claim year. That decision is final and remains in effect.

DECISION:

The decision of the representative dated May 16, 2012, reference 02, is affirmed. This issue has been adjudicated and the September 23, 2011, reference 03 ,decision remains in full force and effect.

Vicki L. Seeck
Administrative Law Judge

Decision Dated and Mailed

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