

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JANNA DRAKE
Claimant

APPEAL NO: 12A-UI-06236-DW

**ADMINISTRATIVE LAW JUDGE
DECISION**

WELLS FARGO BANK NA
Employer

OC: 04/15/12
Claimant: Appellant (2)

Iowa Code § 96.6(4) – Finality of Decision

STATEMENT OF THE CASE:

The claimant appealed a representative's May 16, 2012 determination (reference 03) that held her ineligible to receive benefits because she had requested and was granted a leave of absence. The claimant participated in the hearing with her attorney, Michael Holzworth. Donna Drake, the claimant's mother, and K.C. Stettler, a Drake law student, observed the hearing. The employer notified the Appeals Section before the hearing that the employer would not be participating at the hearing. During the hearing, Claimant's Exhibit A was offered and admitted as evidence. The administrative law judge took judicial notice of the decision for appeal 12A-UI-05837-MT. Based on the evidence, the claimant's arguments, and the law, the administrative law judge reversed the May 16, 2012 decision, because this issue was addressed the the decision for appeal 12A-UI-05837-MT.

ISSUE:

Has the decision for appeal 12A-UI-05837-MT already addressed this issue?

FINDINGS OF FACT:

The claimant started working for the employer in January 2007. The claimant worked for the employer as a full-time bankruptcy specialist. As the result of a non-work-related health issue, the claimant has worked 30 hours a week since October or September 2011.

On March 29, 2012, the employer talked to the claimant because the employer's business needs could no longer accommodate the claimant's work restrictions of working 30 hours a week instead of 40 hours. The employer gave the claimant three options: job search leave, medical leave, or resign. (Claimant Exhibit A.)

The claimant and employer participated in a hearing on June 14, 2012. The administrative law judge at that hearing heard the same evidence concerning the leave of absence. He concluded the claimant voluntary quit her employment with good cause and held her eligible to receive benefits as of April 15, 2012. See decision for appeal 12A-UI-05837-MT. Neither party appealed this decision.

REASONING AND CONCLUSIONS OF LAW:

After carefully reviewing the decision for appeal 12A-UI-05837-MT, the determination issued on May 16 (reference 03) must be reversed. The earlier decision, 12A-UI-05837-MT, considered the leave of absence issue and held the claimant qualified and eligible to receive benefits as of April 15, 2012. This decision became final and it would be improper for another administrative law judge at a later date to address the same issue. Iowa Code § 96.6(4).

When parties know there are two hearings scheduled for issues that should or could be consolidated, they should make the Appeals Section aware this fact so one hearing can be held instead of two.

DECISION:

The representative's May 16, 2012 determination (reference 03) is reversed. The decision for appeal 12A-UI-05837-MT addressed the issue in this appeal. Neither party appealed this decision. As a result, it became the final decision in this matter. Based on the decision for appeal 12A-UI-05837-MT, the claimant is qualified and eligible to receive benefits as of April 15, 2012.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw