

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

SHANNON BUNKER
Claimant

APPEAL 21A-UI-15086-DG-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

AJS OF DES MOINES INC
Employer

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

Iowa Code § 96.4(3) – Ability to and Availability for Work
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 July 16, 2020, (reference 03) decision that denied benefits. That issue was previously adjudicated by an administrative law judge in appeal number 20A-UI-05028-DB-T and a decision was issued on July 10, 2020. After due notice was issued, a hearing was held by telephone conference call on August 27, 2021. Claimant participated and was represented by Emily Schott, Attorney at Law. Employer participated through Vivone Abdel-Razoq, Human Resources Coordinator and Scott Schwiesow, Director of Regional Operations. The administrative law judge took official notice of the administrative record.

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-05028-DB-T and that decision has become final.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the disqualification at issue has been adjudicated in a prior administrative law judge's decision in appeal number 20A-UI-05028-DB-T 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-05028-DB-T dated July 10, 2020, (reference 01). That decision has become final.

DECISION:

The July 16, 2020, (reference 03) decision is affirmed. The prior administrative law judge's disqualification decision remains in effect.



Duane L. Golden
Administrative Law Judge

September 13, 2021
Decision Dated and Mailed

Dlg/ol