

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

LINDA S PIRA
Claimant

ACOSTA INC
Employer

APPEAL 20A-UI-00188-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 12/01/19
Claimant: Respondent (4)**

Iowa Code § 96.6(3) – Previously Adjudicated

STATEMENT OF THE CASE:

The employer/appellant filed an appeal from the January 7, 2020 (reference 02) unemployment insurance decision that found a decision regarding the separation from employment with this employer was made on a prior claim year and remains in effect. The parties were properly notified about the hearing. A telephone hearing was held on January 28, 2020. This hearing was consolidated with Appeal 20A-UI-00187-DB-T. Claimant, Linda S. Pira, participated personally. Employer, Acosta Inc., was represented by Sam Krauss and participated through witness Christine Baizley. Employer's Exhibit 1 was admitted. The administrative law judge took official notice of the claimant's unemployment insurance benefits records.

ISSUE:

Has the issue been previously adjudicated?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The separation issue presented was resolved in a prior claim year (original claim date December 2, 2018) in Appeal No. 20A-UI-00187-DB-T. That decision allowed benefits to the claimant because the separation from employment was not disqualifying pursuant to Iowa Code § 96.5(1)a. Further, the employer's account was relieved of charges pursuant to Iowa Admin. Code r. 871-23.43.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the separation at issue has been previously adjudicated in a prior claim year. The claimant's separation is not disqualifying and this employer shall be relieved of charges.

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. 871-24.28(7) provides:

Voluntary quit requalifications and previously adjudicated voluntary quit issues.

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 the administrative law judge and such decision has become final.

The separation issue presented was resolved in a prior claim year (original claim date December 2, 2018) in Appeal No. 20A-UI-00187-DB-T. That decision found that the claimant's decision to quit was in good faith and for the sole purpose of accepting better employment pursuant to Iowa Code section 96.5(1)a and that the employer's account shall be relieved of charges pursuant to Iowa Admin. Code r. 871-23.43.

As such, this current decision, is modified in favor of the appellant. The separation is not disqualifying. Benefits are allowed, provided claimant is otherwise eligible. The employer's account shall be relieved of charges.

DECISION:

The January 7, 2020 (reference 02) unemployment insurance decision is modified in favor of the appellant. The separation was previously adjudicated in a prior claim year. The separation from employment with this employer is not disqualifying and the claimant is eligible for benefits, provided she meets all other eligibility requirements. The employer's account (account number 527860) shall not be charged for benefits paid as claimant voluntarily quit for better employment.

Dawn Boucher
Administrative Law Judge

Decision Dated and Mailed

db/scn