

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

MARIO PEREZ

Claimant

APPEAL NO. 16A-UI-00596-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

JENSEN BUILDERS LTD

Employer

OC: 01/03/16

Claimant: Appellant (1)

871 IAC 24.28(6) – Previously Adjudicated Issue

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated January 13, 2016, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on February 4, 2016. Claimant participated personally. Employer participated by Tom Nelson. Interpretive services were provided by Ike Rocha

ISSUE:

The issue in this matter is whether the claim was previously adjudicated.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on October 5, 2015.

Claimant quit on October 5, 2015 because he was not happy that he only got a seventy-five cent an hour raise when he wanted more.

This matter was adjudicated in a decision dated February 4, 2016, and by appeal number 16A-UI-00595-B2T.

REASONING AND CONCLUSIONS OF LAW:

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 § 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.

In this matter, the evidence has established that the claim was previously adjudicated by decision of February 4, 2016. reference 01. The Bureau is without authority to rehear this matter as a decision was issued on the merits and decided thusly. The issue cannot be adjudicated a second time.

DECISION:

The decision of the representative dated January 13, 2016, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/css