

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JAMES A TURNER
Claimant

APPEAL NO. 13A-UI-05471-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

FOODS INC
Employer

OC: 04/28/13
Claimant: Appellant (1)

871 IAC 24.28(6-8) – Prior Adjudication

STATEMENT OF THE CASE:

James Turner filed an appeal from the May 8, 2013, reference 01, decision that denied benefits based upon a decision in a prior benefit year for the same separation. After due notice was issued, a hearing was held by telephone conference call on May 30, 2013. The claimant participated. The employer participated by Mr. Mark Pearson, Store Director.

ISSUE:

The issue is whether the separation was adjudicated in a prior claim year.

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 claim year and that decision has been affirmed. (See Appeal Number 13A-UI-04836-NT).

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the separation at issue has been adjudicated in a prior claim year and that decision has been affirmed by administrative law judge decision Appeal Number 13A-UI-04836-NT.

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.

The issue presented was resolved in a prior claim year. (Original Claim date 04/29/12). As the representative's decision dated April 23, 2013, reference 02, has been affirmed by administrative law judge decision, the current decision, referring to the prior claim year decision on the same separation date is affirmed.

DECISION:

The May 8, 2013, reference 01, decision is affirmed. The prior decision on the separation remains in effect.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

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