

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LUCIA L MOLINERO
Claimant

APPEAL NO. 09A-UI-01889-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

EXPRESS SERVICES INC
Employer

**OC: 11/30/08 R: 02
Claimant: Respondent (1)**

Iowa Code Section 96.6(4) – Previously Adjudicated Issue

STATEMENT OF THE CASE:

The employer filed a timely appeal from the January 29, 2009, reference 01, decision that allowed benefits and that determined the employer could be charged for benefits. After due notice was issued, a hearing was held on February 27, 2009. Claimant Lucia Molinero participated. Julie Augspurger, Staffing Consultant, represented the employer. Spanish-English Interpreter Ike Rocha assisted with the hearing. The hearing in this matter was consolidated with the hearing in Appeal Number 09A-UI-01888-JTT and the administrative law judge hereby takes official notice of the decision entered in that matter.

ISSUE:

Whether the claimant's November 2008 separation from the employer has previously been adjudicated.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant established an additional claim for benefits during a prior benefit year. The original claim date for the prior benefit year was December 2, 2007. The additional claim date was November 23, 2008. The additional claim for benefits was based on the claimant's separation from the employer on or about November 3 or 4, 2008. The employer had only one temporary employment work assignment with the employer. On January 27, 2009, a Workforce Development representative entered a reference 03 decision, based on the December 2, 2007 original claim date. The January 27, 2009, reference 03, decision allowed benefits and found the employer liable for benefits. The January 27, 2009, reference 03, decision has been affirmed on appeal. See Appeal Number 09A-UI-01888-JTT.

The claimant established a new claim year that was effective November 30, 2008. In connection with the new claim, Workforce Development mailed a notice of claim to the employer. In connection with the new claim, a Workforce Development representative conducted a fact-finding interview and entered the January 29, 2009, reference 01, decision on appeal in the present matter. The January 29, 2009, reference 01, decision is based on the same separation addressed by the January 27, 2009, reference 03, decision entered based on

the December 2, 2007 original claim date. The employer in interest is the same employment in both matters.

REASONING AND CONCLUSIONS OF LAW:

A finding of fact or law, judgment, conclusion, or final order made pursuant to this section by an employee or representative of the department, administrative law judge, or the employment appeal board, is binding upon the parties to proceedings brought under this chapter. Iowa Code section 96.6(4).

The November 2008 separation has previously been adjudicated. It was decided in favor of the claimant and adverse the employer. While the parties have appeal rights in connection with the prior adjudication, the parties are precluded from litigation of the same issues in this matter.

DECISION:

The Agency representative's January 29, 2009, reference 01, decision is affirmed. The matter has been previously adjudicated and the parties are bound by that adjudication.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/css