

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

TYLER R BROOKS
Claimant

CLEANING CONNECTION INC
Employer

APPEAL 17A-UI-04805-LJ-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/02/17
Claimant: Respondent (5)

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 employer filed an appeal from the April 27, 2017, (reference 01) unemployment insurance decision that allowed benefits based upon a decision in a prior benefit year for the same separation. The parties were properly notified of the hearing. A telephone hearing was held on Tuesday, May 23, 2017. The claimant, Tyler R. Brooks, did not participate. The employer, Cleaning Connection, Inc., participated through Jerry Futer. Employer's Exhibit 1 was received and admitted into the record.

ISSUES:

Was the separation adjudicated in a prior claim year?

FINDINGS OF FACT:

Having heard the testimony and having reviewed the evidence in the record, the administrative law judge finds: It does not appear there is a decision on claimant's separation from the employer from the prior benefit year. However, the administrative law judge located an unemployment insurance decision dated April 26, 2017 (reference 02) regarding a work refusal in the prior benefit year. That decision has been modified with no change in effect. See 17A-UI-04806-LJ-T.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the issue has been adjudicated in a prior claim year.

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.

Inasmuch as the issue presented was resolved in a prior claim year, the current decision, referring to the prior claim year decision for the same separation date, is affirmed.

DECISION:

The April 27, 2017 (reference 01) unemployment insurance decision is modified with no change in effect. The issue was adjudicated in a prior claim year, and that decision remains in effect.

Elizabeth A. Johnson
Administrative Law Judge

Decision Dated and Mailed

lj/rvs