

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DENA L KNAPP
Claimant

APPEAL NO. 10A-UI-11569-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

GRAPETREE MEDICAL STAFFING INC
Employer

OC: 07/12/09
Claimant: Appellant (1)

Section 96.6-3 – Final Decision
871 IAC 24.28(6) – Same Employment Separation/Previous Adjudication

STATEMENT OF THE CASE:

The claimant appealed a representative's decision dated August 11, 2010, reference 0, that denied benefits by reason of her October 2, 2009 separation from employment that had been decided by a prior department decision. A hearing was held on October 4, 2010. The claimant participated. Jeanenne Kinnetz, HR Generalist, and Tim Kinnetz, CEO, participated for the employer.

ISSUE:

The issue is whether the separation from employment issue has been previously adjudicated.

FINDINGS OF FACT:

The administrative law judge, having considered the evidence in the record, finds that: The claimant filed an unemployment claim July 12, 2009 and the department issued a decision on February 16, 2010 that allowed benefits by reason of an employer dismissal on August 2, 2009. The employer appealed.

A hearing was held before an administrative law judge (ALJ) on April 8, 2010. The ALJ found the claimant performed services for the employer from June 21, 2005 through October 9, 2009. The ALJ modified the department decision, and held claimant voluntarily quit without good cause by failing to seek re-assignment after October 9. If the claimant had sufficient wage credits earned with one or more base period employers, she could be eligible for benefits, but if not, she was not eligible. The claimant appealed the ALJ decision to the Employment Appeal Board (EAB). The Board affirmed the ALJ decision on June. The claimant did not file a further appeal.

The claimant filed a second (or subsequent) benefit year claim dated July 11, 2010. After reviewing the claimant's employment/decision record, the department issued the decision that denies claimant benefits by reason of an October 2, 2009 employment separation from the employer.

REASONING AND CONCLUSIONS OF LAW:

871 IAC 24.28(7) provides:

Voluntary quit requalifications and previously adjudicated voluntary quit issues.

(7) 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 administrative law judge has reviewed the records and files herein and concludes that the issue of the claimant's separation from employment on October 9, 2009 has been heard and adjudicated by a final department ALJ decision issued April 9, 2010 and affirmed by the EAB on June 9.

When the claimant failed to file a further appeal from the EAB decision, it became final. Since the claimant admitted in this hearing there was no new employment relationship after October 9, 2009, and the ALJ confirmed that separation date in the decision, there is no further separation to be considered.

DECISION:

The decision of the representative dated August 11, 2010, reference 01, is affirmed. The EAB June 9, 2010 decision is the final department decision on claimant's October 9, 2009 employment separation that remains in force and effect. Benefits are denied until the claimant requalifies by working in and being paid wages for insured work equal to ten times her weekly benefit amount, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/css