

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ISAAC B BEAN

Claimant

APPEAL NO: 13A-UI-12134-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MASTERBRAND CABINETS INC

Employer

OC: 09/29/13

Claimant: Appellant (1)

Section 96.6-2 - Prior Adjudication

STATEMENT OF THE CASE:

Isaac B. Bean (claimant) appealed a representative's October 22, 2013 decision (OC 09/29/13 – reference 01) that concluded he was not qualified to receive unemployment insurance benefits after a separation from employment after a separation from employment from Masterbrand Cabinets, Inc. (employer) because a prior adjudication on the separation was still in effect. Hearing notices were mailed to the parties' last-known addresses of record for a telephone hearing to be held on November 20, 2013 in conjunction with one related appeal, 13A-UI-12133-DT. A review of the Appeals Section's conference call system indicates that the claimant failed to respond to the hearing notice and provide a telephone number at which he could be reached for the hearing and did not participate in the hearing. The employer responded to the hearing notice and indicated that that Kyle Road would participate as the employer's representative. When the administrative law judge contacted the employer for the hearing, Mr. Road agreed that the administrative law judge should make a determination based upon a review of the available information. Based on a review of the available information and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Is there a prior determination on the merits of this appeal that is binding on the parties and the outcome of this appeal?

FINDINGS OF FACT:

The claimant established a claim for unemployment insurance benefits effective August 26, 2012. He reactivated it by filing an additional claim effective August 4, 2013. An Agency representative issued a decision dated August 27, 2013 (OC 08/26/12 – reference 04). That decision concluded that the claimant was not eligible for benefits because the July 31, 2013 separation from employment was disqualifying. As determined in the concurrently issued decision in appeal 13A-UI-12133-DT, the claimant did not make a timely appeal of that August 27, 2013 decision and it has become final.

After the 2012 claim year expired as of August 25, 2013, the claimant established a second claim year effective September 29, 2013. Another representative's decision was issued dated October 22, 2013 (OC 09/29/13 – reference 01), the subject of this appeal. That decision concluded that the August 27, 2013 decision regarding the July 31, 2013 separation was still in effect and applicable to the new claim year.

REASONING AND CONCLUSIONS OF LAW:

If a prior determination has been made on the same issue and the adversely affected party fails to make a timely appeal of a representative's decision, the decision on that issue has become final and is not subject to further review, and will be binding on the parties in related proceedings. Iowa Code § 96.6-2.

If the claimant had a dispute with whether or not he should have been disqualified as a result of the separation from the employer, then he needed to have filed an appeal from that decision within the appeal period for that decision. Iowa Code § 96.6-2; *Beardslee v. Iowa Department of Job Service*, 276 N.W.2d 373 (Iowa 1979). The establishment of a new claim year does not negate or erase the effect of the prior determination. As the claimant did not make a timely appeal from the original disqualification decision, the administrative law judge now lacks jurisdiction to make a determination with respect to the nature of the appeal, regardless of whether the merits of the appeal would be valid. See, *Beardslee*, supra; *Franklin v. Iowa Department of Job Service*; and *Pepsi-Cola Bottling Company v. Employment Appeal Board*, 465 N.W.2d 674 (Iowa App. 1990).

DECISION:

The representative's October 22, 2013 decision (OC 09/29/13 – reference 01) is affirmed. Benefits are withheld until such time as the claimant has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided the claimant is then otherwise eligible.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/pjs