

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

WILLIAM F RYAN
1333 NEBRASKA
BLAIR NE 68008

AMSTED INDUSTRIES INC
c/o FRICK UC EXPRESS
PO BOX 283
ST LOUIS MO 63166-0280

Appeal Number: 05A-UI-01017-MT
OC 12/19/04 R 01
Claimant: Respondent (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 871-IAC-24.28(6) – Previously Adjudicated Issue

STATEMENT OF THE CASE:

Employer filed an appeal from a decision of a representative dated January 20, 2005, reference 02, which held claimant eligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on February 15, 2005. Claimant participated personally. Employer participated by Ron Bland, Human Resource Manager. Exhibits One and A were admitted into evidence.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last performed work for employer on January 14, 2004.

Claimant was terminated from employment on September 23, 2004 by employer because of work restrictions.

This matter was adjudicated in a decision dated April 5, 2004, and by appeal number 04A-UI-02534-BT. Claimant did not perform work after January 14, 2004.

REASONING AND CONCLUSIONS OF LAW:

The issue in this matter is whether the claim was previously adjudicated.

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.

In this matter, the evidence has established that the claim was previously adjudicated by decision of April 5, 2004 reference 01. The bureau is without authority to rehear this matter as a decision was issued on the merits and became final after appeal decision June 3, 2004. The issue cannot be adjudicated a second time.

DECISION:

The decision of the representative dated January 20, 2005, reference 02, is affirmed. Claimant is eligible to receive unemployment insurance benefits, provided claimant meets all other eligibility requirements.

mdm\kjf