

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JOYCE M DUGGER**

Claimant

**APPEAL NO. 09A-UI-19000-NT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**SIMPSON MEMORIAL HOME INC**

Employer

**Original Claim: 11/01/09  
Claimant: Respondent (1-R)**

871 IAC 24.19(1) – Determination Review of Benefit Rights

871 IAC 24.28(6) – Prior Adjudication

**STATEMENT OF THE CASE:**

Simpson Memorial Home, Inc. filed an appeal from December 15, 2009, reference 01, decision that allowed benefits based upon a decision in a prior benefit year for the same separation. After due notice was issued, a hearing was held by telephone conference call on January 28, 2010. The claimant participated. The employer participated through Shelly Wicks, administrator.

**ISSUE:**

At issue is whether the separation was adjudicated in a prior claim year.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The decision at issue has been adjudicated in a prior claim year and that decision was appeal to an administrative law judge who affirmed the fact-finder's decision. That decision has become final.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the separation at issue has been adjudicated on a prior claim year and the decision has become final.

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.

The issue presented was resolved in a prior claim year. The current decision, dated December 15, 2009, reference 01, refers to the same separation that had been previously adjudicated in a prior claim year. That determination continues to be in effect.

The employer in this case has made an attempt to bring to the attention of Workforce Development the employer's belief that Ms. Dugger has not had sufficient earnings of at least \$250.00 in insured work since filing a claim and receiving benefits on her prior claim year and thus should not be eligible to receive any additional unemployment insurance benefits. This matter is not properly before the administrative law judge for a decision in this appeal. This issue is, however, remanded to the Unemployment Insurance Services Division for a determination.

**DECISION:**

The December 15, 2009, reference 01, decision is affirmed. The prior decision on separation remains in effect. The issue of whether the claimant has earned \$250.00 or more in insured work since filing and receiving benefits on a previous claim year is remanded to the Unemployment Insurance Services Division for investigation.

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Terence P. Nice  
Administrative Law Judge

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Decision Dated and Mailed

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