

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**MIRNA A. ESPINOZA**  
Claimant

**APPEAL 22A-UI-06893-CS-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**SEABOARD TRIUMPH FOODS LLC**  
Employer

**OC: 06/07/20**  
**Claimant: APPELLANT (1)**

Iowa Code § 96.6-3 – Filing Appeals  
871 IAC 24.28(6-8) – Prior Adjudication

**STATEMENT OF THE CASE:**

On March 21, 2022, the claimant filed an appeal from the March 11, 2022, reference 03, decision that denied benefits based upon a denial decision in a prior benefit year for the same separation. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for May 3, 2022. The hearing was held together with appeals 22A-UI-06894-CS-T; 22A-UI-06895-CS-T; and 22A-UI-06897-CS-T, and combined into one record. The claimant participated through CTS Language Link Spanish Interpreter, Karla (Identification No. 11494). The employer did not call in to participate at the hearing.

**ISSUE:**

Has the separation been previously adjudicated?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The issue presented was resolved in a different claim year (original claim date June 6, 2021) as the representative's decision dated August 20, 2021, reference 01. Claimant appealed the decision to an administrative law judge in appeal 21A-UI-21141-LJ-T. The administrative law judge found claimant's appeal was untimely and affirmed the underlying decision. Claimant appealed the decision to the Employment Appeal Board. In appeal 22B-UI-21141 the Employment Appeal Board affirmed the administrative law judge's decision and found claimant's appeal was untimely. Claimant was denied benefits effective October 15, 2020.

**REASONING AND CONCLUSIONS OF LAW:**

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

Iowa Admin. Code r. 871-24.28(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.

871IAC 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.

The issue presented was resolved in a different claim year (original claim date 06/06/21) as the representative's decision dated August 20, 2021, reference 01. The decision was affirmed by the administrative law judge and the Employment Appeal Board. The issue has been adjudicated in a different claim year and that decision has become final. The separation has been previously adjudicated.

**DECISION:**

The March 11, 2022, reference 03, decision is affirmed. The prior decision on the separation remains in effect.



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Carly Smith  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau

May 17, 2022

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Decision Dated and Mailed

cs/ac

**NOTE TO CLAIMANT:** This decision determines you are not eligible for regular unemployment insurance benefits. If you disagree with this decision, you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision.

Individuals who do not qualify for regular unemployment insurance benefits, but who were unemployed between February 2, 2020, and June 12, 2021, unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** To apply for PUA go to <https://www.iowaworkforcedevelopment.gov/unemployment-insurance-appeals> in the last paragraph under "WHAT TO EXPECT FROM THE HEARING." **The authorization number is 106893.**

If this decision becomes final or if you are not eligible for PUA, you may have an overpayment of benefits.