

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

DOLORES M FICKEN

Claimant

WAL-MART STORES INC

Employer

APPEAL NO. 18A-UI-02314-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 01/14/18

Claimant: Appellant (4)

871 IAC 24.28(6) – Previously Adjudicated Issue

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated February 12, 2018, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on February 28, 2018. Claimant participated personally. Employer participated by Josh McGraw.

ISSUE:

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

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds:

This matter was adjudicated in a decision dated March 1, 2018, and by appeal number 18A-UI-01328-B2. In that matter the previous decision was reversed and claimant was allowed benefits.

REASONING AND CONCLUSIONS OF LAW:

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.

In this matter, the evidence has established that the claim was previously adjudicated by decision of March 1, 2014 reference 04. The bureau is without authority to rehear this matter as

a decision was issued on the merits and this matter is dismissed. The issue cannot be adjudicated a second time.

DECISION:

The decision of the representative dated February 12, 2018, reference 01, is reversed as it pertains to claimant's eligibility to receive benefits as the decision entered in appeal number 18A-UI-01328-B2 reversed benefits. To the extent that the Unemployment Insurance Decision in this matter found that the decision was based on a prior claim, that explanation is still correct. Claimant is eligible to receive unemployment insurance benefits, provided claimant meets all other eligibility requirements.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/scn