

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JONATHAN S GUSTIN
Claimant

HAWKEYE ESTATES LLC
Employer

APPEAL 17A-UI-11000-LJ-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 10/15/17
Claimant: Appellant (1)

Iowa Code § 96.6(3) – Appeals
Iowa Admin. Code r. 871-24.19(1) – Determination and Review of Benefit Rights
Iowa Admin. Code r. 871-24.28(6-8) – Prior Adjudication

STATEMENT OF THE CASE:

The claimant filed an appeal from the October 25, 2017 (reference 01) unemployment insurance decision that denied 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 November 14, 2017. The claimant, Jonathan S. Gustin, participated. The employer, Hawkeye Estates, L.L.C., participated through Heidi Vanden Hull, Director of Human Resources. Claimant's Exhibits A and B and Employer's Exhibits 1 through 8 were received and admitted into the record without objection.

ISSUE:

Was the separation adjudicated in a prior claim year?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The separation at issue has been adjudicated in a prior claim year effective October 2, 2016, as the unemployment insurance decision dated October 16, 2017, reference 05. That decision in favor of the employer has been affirmed. See 17A-UI-10999-LJ-T.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the separation at issue has been adjudicated in a prior claim year.

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.

Iowa Admin. Code r. 871-24.19(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.

Here, there was a decision on this separation issued in a prior claim year. That decision has been affirmed. Inasmuch as the issue presented was resolved in a prior claim year, the current decision, referring to the prior claim year decision for the same separation date, is affirmed.

DECISION:

The October 25, 2017 (reference 01) unemployment insurance decision is affirmed. The prior decision on the separation remains in effect.

Elizabeth A. Johnson
Administrative Law Judge

Decision Dated and Mailed

lj/rvs