

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

GERARDO L LOPEZ
Claimant

APPEAL NO. 12A-UI-11566-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MARSHALLTOWN YMCA
Employer

OC: 09/02/12
Claimant: Respondent (6-R)

Section 96.6 – Notification of Interested Parties, Wrong Employer Named in Decision

STATEMENT OF THE CASE:

Marshalltown YMCA filed a timely appeal from the September 24, 2012, reference 04, decision that allowed benefits and that concluded the employer protest was untimely. A hearing was scheduled for October 22, 2012, but not held, because it was not necessary. The administrative law judge has taken official notice of the Agency's administrative file.

ISSUE:

Whether Workforce Development erred when it referenced the Marshalltown YMCA as the named employer in interest in the September 24, 2012, reference 04 decision.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: In the decision dated September 24, 2012, reference 04, the Workforce Development representative erroneously listed Marshalltown YMCA, employer account number 294296, as the employer in interest. The correct employer in interest would have been Key Resources, Inc., employer account number 508383. The agency's administrative documents in support of the reference 04 decision include a protest submitted by Key Resources, Inc.

REASONING AND CONCLUSIONS OF LAW:

When Iowa Workforce Development enters a decision affecting a claim for benefits, the Agency is required to notify the interested parties. See Iowa Code Section 96.6. Marshalltown YMCA was erroneously included as an interested party in the decision dated September 24, 2012, reference 04, and is in fact not an interested party. Marshalltown YMCA's account will not be charged for benefits paid to Mr. Lopez.

This matter will be remanded to the Claims Division for entry of a decision that names Key Resources, Inc., as the employer in interest.

DECISION:

The Agency representative's decision dated September 24, 2012, reference 04, is vacated. Marshalltown YMCA was erroneously named as an employer in interest and is hereby removed as an employer in interest. Marshalltown YMCA's account will not be charged for benefits paid to the claimant. This matter will be remanded to the Claims Division for entry of a decision that names Key Resources, Inc., as the employer in interest.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/pjs