

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ARNOLDO SANCHEZ

Claimant

APPEAL NO. 14A-UI-08041-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

DIAMOND CONCRETE & CONSTRUCTION

Employer

OC: 07/06/14

Claimant: Appellant (2)

Iowa Code § 96.4(3) – Able and Available

Iowa Code § 96.8(5) – Liability of Certain Employers

STATEMENT OF THE CASE:

Arnoldo Sanchez (claimant) appealed a representative's July 29, 2014, decision (reference 01) that concluded he was not eligible to receive unemployment insurance benefits because he is still employed in his job for the same hours and wages as he was hired by Diamond Concrete & Construction (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for August 26, 2014. The claimant participated personally. The employer participated by Amber Hanson, Bookkeeper.

ISSUE:

The issue is whether the claimant is disqualified for being unavailable for work.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The appeal was based upon the representative's decision finding Diamond Concrete & Construction to be claimant's employer. The claimant has never worked for this employer. A person using the claimant's name and social security number was hired on October 5, 2012, as a full-time concrete flat worker laborer. The claimant lives in Texas and contacted officials at the Social Security Administration in 2012 about this problem. He has an open case with his sheriff. His social security number is flagged. The employer has required the employee, who is presently working for the employer, to provide new e-verification.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge has reviewed the testimony, records, and files herein and concludes that the representative's decision shall be reversed without prejudice to either party.

DECISION:

The representative's July 29, 2014, decision (reference 01) is reversed without prejudice to either party. Claimant shall not be denied benefits based upon this decision and the employer shall not be responsible for benefit charges.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/css