

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

ELAINE A FUOSS
2740 – 410TH ST
SIOUX CENTER IA 51250-7424

MJ'S ENTERPRISES INC
409½ W ERIE
MISSOURI VALLEY IA 51555

Appeal Number: 06A-UI-03629-CT
OC: 02/12/06 R: 01
Claimant: Respondent (1-R)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5(3)a – Refusal of Work

STATEMENT OF THE CASE:

M.J.'s Enterprises, Inc. received a representative's decision dated March 16, 2006, reference 02, which held that no disqualification would be imposed regarding Elaine Fuoss' February 23, 2006 refusal of work. The employer filed notice on March 20, 2006 that Ms. Fuoss was unknown to the business. Due notice was issued scheduling the matter for a telephone hearing to be held on April 29, 2006. Ms. Fuoss indicated at that time that the correct employing unit was M.J.'s Phillips 66.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The representative's decision that is the subject of this appeal was mailed to the incorrect employer. M.J.'s Enterprises, Inc. has had no employment relationship with Ms. Fuoss and she has not sought work with the company.

REASONING AND CONCLUSIONS OF LAW:

Iowa Workforce Development notified an incorrect employer in this matter. Therefore, the case must be remanded so that notice is given to the correct employer. The correct employer is M.J.'s Phillips 66, a gas station at 1801 South Main Street in Sioux Center, Iowa.

DECISION:

The representative's decision dated March 16, 2006, reference 02, is affirmed at this time. The matter is remanded to Claims so that notice can be given to the correct employer as identified herein.

cfc/tjc