

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MARISA C ESTELLE
Claimant

K MART CORP
Employer

APPEAL 16A-UI-02350-DL-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 01/17/16
Claimant: Respondent (2)

Iowa Code § 96.3(5) – Benefit Duration - Business Closing

STATEMENT OF THE CASE:

The putative employer filed a timely appeal from the February 15, 2016, (reference 02) unemployment insurance decision that denied the request to redetermine the claim based upon a business closure. After due notice was issued, a telephone conference hearing was scheduled to be held on March 18, 2016. Claimant responded to the hearing notice instructions. Employer responded to the hearing notice instructions but was not available at the number provided when the hearing was called and did not participate. When advised of the potential default decision claimant indicated she had never worked for this employer, which is consistent with the employer's appeal letter.

ISSUE:

Did the claimant work for this employer?

FINDINGS OF FACT:

Having heard the testimony and having reviewed the evidence in the record, the administrative law judge finds: The record reflects and the parties agree claimant has never worked for this employer, K Mart Corp (006482) and has no wage records with this employer. The correct employer is Apple Corps LP (289336). The temporary separation from that employer was a one-week layoff due to a temporary closure due to plumbing problems, not a permanent business closure.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge has reviewed the records and files herein and concludes that the representative's decision shall be reversed without prejudice to either party because claimant never worked for this employer.

DECISION:

The February 15, 2016, (reference 02) unemployment insurance decision is reversed without prejudice to either party as claimant never worked for this employer.

Dévon M. Lewis
Administrative Law Judge

Decision Dated and Mailed

dml/css