

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JOSEPH J ROMSKY**  
Claimant

**APPEAL NO: 15A-UI-02542-ET**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ALLIEDBARTON SECURITY SERVICES LLC**  
Employer

**OC: 01/04/15**  
**Claimant: Respondent (6/R)**

871 IAC 26.2 – Dismissed – Not a Contested Case  
Iowa Code § 96.7 – Employer Liability – Wrong Employer Noticed

**STATEMENT OF THE CASE:**

The employer appealed an unemployment insurance decision dated February 16, 2015, reference 04, which held that the claimant was eligible for unemployment insurance benefits from Alliedbarton Security Services.

Due notice was issued scheduling the matter for a telephone hearing to be held March 31, 2015.

Both parties responded to the hearing notice instructions to provide their phone numbers but the claimant was not available at the number provided at the time of the hearing. The employer was available for the hearing. Based on the fact that the claimant never worked for this employer, the hearing was cancelled.

**ISSUE:**

The issue is whether a hearing in this matter is necessary.

**FINDINGS OF FACT:**

The administrative law judge, having reviewed and considered all of the evidence in the record, finds that: The notice of claim was sent to the incorrect employer. The incorrect employer filed a protest explaining the claimant did not work for them. A fact-finding interview was held and a representative's decision was issued February 16, 2015; neither party participated. The fact finder found the employer liable for benefits. The employer appealed and an appeal hearing was scheduled for March 31, 2015. The employer filed an appeal stating the claimant never worked for this employer.

**REASONING AND CONCLUSIONS OF LAW:**

The issue is whether the reasons for the claimant's separation from employment qualify him to receive unemployment insurance benefits. The claimant is not qualified to receive unemployment insurance benefits if he voluntarily quit without good cause attributable to the employer or if the employer discharged him for work-connected misconduct. Iowa Code sections 96.5-1 and 96.5-2-a.

The question is whether a hearing in this matter is necessary. It is not because the decision allowing benefits to the claimant and resulting appeal were filed in error. The administrative law judge has reviewed the records and files herein and concludes that the original decision should be reversed and the appeal should be dismissed as to the employer, Alliedbarton Security Services (Employer Account Number 345186).

There has been no determination made as to whether the claimant's separation from his actual employer was disqualifying. Consequently, this case is remanded to the Claims Section for a proper determination as to the claimant's eligibility for benefits based on the correct employer.

The administrative law judge further concludes that the representative's decision shall be modified in favor of the employer without prejudice to either party.

**DECISION:**

The disqualification decision and resulting appeal were filed in error. The administrative law judge has reviewed the records and files herein and concludes that the original decision should be vacated and the appeal should be dismissed as to Alliedbarton Security Services.

The claimant did not work for Alliedbarton Security Services and no benefits shall be charged to account number 345186. This case is remanded to the Claims Section for a determination on whether the claimant is eligible for benefits based on his separation from his actual employer.

---

Julie Elder  
Administrative Law Judge

---

Decision Dated and Mailed

je/can