

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ALFREDO GUTIERREZ**  
Claimant

**APPEAL NO. 10A-UI-09453-AT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**FAREWAY STORES INC**  
Employer

**OC: 05/24/09**  
**Claimant: Respondent (4)**

871 IAC 23.43(9) – Relief of Charges for an Interstate Claim

**STATEMENT OF THE CASE:**

Fareway Stores, Inc. filed a timely appeal from an unemployment insurance decision dated June 8, 2010, reference 03, that did not relieve it of charges for benefits being paid to Alfredo Gutierrez through his Arizona unemployment insurance claim upon a finding that the employer did not file a timely protest. After reviewing all matters of record, the administrative law judge concludes that a formal hearing is not required.

**ISSUE:**

Can the employer be relieved of charges?

**FINDINGS OF FACT:**

Having examined all matters of record, the administrative law judge finds: Alfredo Gutierrez has filed a claim for unemployment insurance benefits through another state. Iowa wages from Fareway Stores, Inc. were used in computing his weekly and maximum benefit amounts. On June 2, 2009, the agency notified Fareway Stores, Inc. that the claim had been filed. The employer responded on June 4, 2009 indicating that the claimant had left employment in order to accept other employment.

**REASONING AND CONCLUSIONS OF LAW:**

The question is whether Fareway Stores, Inc. can be relieved of charges for benefits being paid to Mr. Gutierrez through Arizona. It can. The evidence in this record shows clearly that the employer's response to the agency was submitted on June 4, 2009, not June 4, 2010 as indicated in the fact-finding decision.

This is the only issue before the administrative law judge. This decision has no bearing on Mr. Gutierrez's eligibility to receive unemployment insurance benefits through Arizona.

**DECISION:**

The unemployment insurance decision dated June 8, 2010, reference 03, is modified. Fareway Stores, Inc. is relieved of charges for benefits being paid to Alfredo Gutierrez through the state of Arizona.

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Dan Anderson  
Administrative Law Judge

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Decision Dated and Mailed

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