

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

ANDREW C MARTIN
814 E 1ST ST
PELLA IA 50219

IOWA WORKFORCE
DEVELOPMENT DEPARTMENT

Appeal Number: 04A-UI-02929-AT
OC: 02-01-04 R: 02
Claimant: Appellant (2)

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 96.5-4 – Labor Dispute

STATEMENT OF THE CASE:

Andrew C. Martin filed an appeal from an unemployment insurance decision dated March 5, 2004, reference 01, which denied unemployment insurance benefits upon a finding that he became unemployed on January 23, 2004 from Engineered Plastic Components, Inc. because of a labor dispute. After reviewing all matters of record, the administrative law judge concludes that no additional evidence is necessary.

FINDINGS OF FACT:

Having examined all matters of record, the administrative law judge finds that: Andrew C. Martin's employment with Engineered Plastic Components ended in December 2003. He then went to work for Clarion Technologies, Inc. before being laid off on January 23, 2004. Engineered Plastic Components indicated in its protest that Mr. Martin worked in a portion of its business, which was sold in December 2003.

REASONING AND CONCLUSIONS OF LAW:

The question is whether Mr. Martin's unemployment insurance benefits should be withheld because of the work stoppage at Engineered Plastic Components, which began on January 23, 2004. The administrative law judge concludes that it should not because both the claimant and the employer's statements indicate that Mr. Martin was no longer employed by Engineered Plastic Components when the work stoppage commenced in January 2004.

DECISION:

The unemployment insurance decision dated March 5, 2004, reference 01, is reversed. The claimant is entitled to receive unemployment insurance benefits, provided he is otherwise eligible.

tjc/kjf