

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CRAIG A DIEKHUIS
Claimant

APPEAL NO. 11A-UI-12371-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

GAVIN ENTERPRISES INC
Employer

OC: 01-02-11
Claimant: Appellant (4-R)

Iowa Code § 96.5(1)d – Voluntary Leaving/Illness or Injury
871 IAC 24.25(35) – Separation Due to Illness or Injury
Iowa Code § 96.19(18) – Definition of Employment

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the September 13, 2011, reference 02, decision that denied benefits. After due notice was issued, a hearing was held on October 13, 2011. The claimant did participate. The employer did not participate as the correct employer was not given notice that the hearing was taking place. Claimant's Exhibit A was entered and received into the record.

ISSUE:

Did the claimant work for Gavin Enterprises and if so, did he voluntarily quit his employment without good cause attributable to the employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed for Manpower, Employer Account Number 265624 not for Gavin Enterprises account number 041033 as is indicated on the fact-finding decision. Manpower was not sent the hearing notice.

For the reasons that follow, the administrative law judge concludes the claimant did not work for Gavin Enterprises.

Since the claimant never worked for Gavin Enterprises he cannot be considered disqualified due to a separation from them, nor can Gavin Enterprises account be charged for any benefits since they paid the claimant no covered or insured wages.

REMAND: This case is remanded to fact-finding for an initial investigation of the claimant's separation from Manpower of Iowa, employer account number 265624.

DECISION:

The September 13, 2011, reference 02, decision is modified in favor of the appellant. The claimant is not disqualified from benefits based upon his separation from Gavin Enterprises as he did not work for them, nor is Gavin Enterprises responsible for any charges to their account as they did not pay the claimant any covered or insured wages.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/pjs