

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

ORLANDO REYNA
Claimant

AGRI STAR MEAT & POULTRY LLC
Employer

APPEAL NO. 14A-UI-07704-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 09/28/14
Claimant: Respondent (2)

871 Iowa Admin. Code § 24.14(9)A, B

STATEMENT OF THE CASE:

Employer filed an appeal from a decision of a representative dated June 25, 2015, reference 01, which held claimant eligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on August 4, 2015. Employer participated by Laura Roney. Claimant failed to respond to the hearing notice and did not participate. Employer's Exhibit One was admitted into evidence

ISSUE:

The issue in this matter is whether employer can be relieved from charges on a combined wage claim.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Employer showed documentation that claimant has lived in Iowa throughout the times in question. Employer additionally showed that claimant was still employed and had been employed at all times relevant to this matter. There has been no job separation and claimant continues to work full time.

REASONING AND CONCLUSIONS OF LAW:

Iowa Admin. Code r. 871-23.43(9) provides, in part:

(9) Combined wage claim transfer of wages.

a. Iowa employers whose wage credits are transferred from Iowa to an out-of-state paying state under the interstate reciprocal benefit plan as provided in Iowa Code § 96.20, will be liable for charges for benefits paid by the out-of-state paying state. No reimbursement so payable shall be charged against a contributory employer's account for the purpose of Iowa Code § 96.7, unless wages so transferred are sufficient to establish a valid Iowa claim, and that such charges shall not exceed the amount that would have been charged on the basis of a valid Iowa claim. However, an employer

who is required by law or by election to reimburse the trust fund will be liable for charges against the employer's account for benefits paid by another state as required in Iowa Code § 96.8(5), regardless of whether the Iowa wages so transferred are sufficient or insufficient to establish a valid Iowa claim. Benefit payments shall be made in accordance with the claimant's eligibility under the paying state's law. Charges shall be assessed to the employer which are based on benefit payments made by the paying state.

Claimant is still employed full time at this time. An employer can be relieved of charges from another state in a combined wage claim if the employer would be relieved of the charges in an Iowa claim. In this matter, as the administrative law judge finds that claimant is still employed, no separation has occurred and claimant is still working the same hours for the same wages. Employer is relieved of charges from the Texas claim as employer would have been relieved of charges from an Iowa claim.

DECISION:

The decision of the representative dated June 25, 2015, reference 01, is reversed. Employer is relieved of charges in this claim.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/mak