IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS

SARAH E HOIDAHL
Claimant

PIXAT LLC
Employer

APPEAL 14A-UI-11157-LT

**ADMINISTRATIVE LAW JUDGE
DECISION**

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

Iowa Code § 96.6(2) – Timeliness of Protest

STATEMENT OF THE CASE:

The putative employer filed a timely appeal from the October 23, 2014, (reference 02) decision that found the protest untimely and allowed benefits. After due notice was issued, a telephone conference hearing was scheduled to be held on November 18, 2014. The employer responded to the hearing notice instruction but no hearing was held as there was sufficient evidence in the appeal letter and administrative record to resolve the matter without testimony.

ISSUE:

Did the claimant work for this employer?

FINDINGS OF FACT:

Having heard the testimony and having reviewed the evidence in the record, the administrative law judge finds: The record reflects and the parties agree claimant has never worked for this employer Pixat LLC (351376) and has no wage records with this employer. The employer account number was entered incorrectly into the unemployment insurance decision, reference 02. The correct employer is BSA Realty Management (251376). The timeliness of the protest and separation from that employer has not yet been determined by the IWD Benefits Bureau.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge has reviewed the records and files herein and concludes that the representative's decision shall be reversed without prejudice to either party because claimant never worked for this employer.

DECISION:

The October 23, 2014, (reference 02) representative's decision is reversed without prejudice to either party as claimant never worked for this employer.

REMAND:

The protest timeliness and separation issues related to the actual employer as delineated in the findings of fact is remanded to the Benefits Bureau of Iowa Workforce Development for correct notice to the claimant and employer BSA Realty Management.

_____
Dévon M. Lewis
Administrative Law Judge

_____
Decision Dated and Mailed

dml/pjs