

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MARY L BALDWIN**  
Claimant

**APPEAL NO: 11A-UCFE-00007-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**US POSTAL SERVICE**  
Employer

**OC: 12/27/09**  
**Claimant: Appellant (2/R)**

Iowa Code § 96.4(3) – Still Employed at Same Hours and Wages

**STATEMENT OF THE CASE:**

The claimant appealed a representative's January 28, 2011 determination (reference 04) that held her ineligible to receive benefits as of September 11, 2010, because she still worked for the employer at the same hours and wages that she had always worked for the employer. The claimant appeared for the hearing. The employer did not respond to the hearing notice or participate in the hearing.

The claimant appealed because the decision held her ineligible, but her employment had been suspended or terminated with the employer in late March 2010. The claimant appealed so the reasons for her employment could be addressed. The issues on the hearing notice did not include any employment separation issues. Since the employer did not participate, the employment separation issue will be Remanded to the Claims Section to investigate and make a written determination.

Based on the administrative record and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**FINDINGS OF FACT:**

The claimant established a claim for benefits during the week of December 27, 2009. She reopened her claim during the week of March 21, 2010. On April 6, 2010, the employer informed the claimant that within the next 30 days, the employer would propose to terminate her employment. The claimant has not reported any wages after March 27, 2010. The claimant reopened her claim during the week of September 5, 2010.

**REASONING AND CONCLUSIONS OF LAW:**

Since the claimant has not worked or reported any wages since March 27, 2010, the representative's January 28, 2011 determination (reference 04) has no factual basis. There is no basis for the determination and it is reversed because the claimant is not working part-time.

The issue the claimant appealed relates to the reason for her employment separation. The record does not indicate this issue has been addressed even though the claimant reopened her

claim in late March 2010. To resolve the issue the claimant wanted addressed, the issue concerning the reason for her employment separation will be remanded to the Claims Section to investigate and issue a written decision.

**DECISION:**

The representative's January 28, 2011 determination (reference 04) is reversed because there is no basis for the determination. The issue the claimant wants resolved – the reason for her employment separation is **Remanded** to the Claims Section to investigate and issue a written decision.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/pjs