

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DEBORAH M GRAHAM
Claimant

APPEAL NO. 07A-UI-10571-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

VICTOR PLASTICS INC
Employer

**OC: 09/23/07 R: 03
Claimant: Appellant (2)R**

871 IAC 24.1(113)a – Separations From Employment

STATEMENT OF THE CASE:

Deborah Graham (claimant) appealed a representative's November 9, 2007 decision (reference 03) that concluded she was not eligible to receive unemployment insurance benefits based on her employment with Victor Plastics (employer). A hearing was not deemed necessary to be held in order to make a decision for reasons which will appear in the Findings of Fact.

ISSUE:

The issue is whether the claimant worked for this employer.

FINDINGS OF FACT:

The administrative law judge, having considered all of the evidence in the record, finds that: The claimant filed an original claim for job insurance benefits effective September 23, 2007. The employer has notified the administrative law judge that the claimant never worked for the employer.

The matter is remanded for determination of the correct employer.

REASONING AND CONCLUSIONS OF LAW:

871 IAC 24.1(113)a provides:

Separations. All terminations of employment, generally classifiable as layoffs, quits, discharges, or other separations.

a. Layoffs. A layoff is a suspension from pay status (lasting or expected to last more than seven consecutive calendar days without pay) initiated by the employer without prejudice to the worker for such reasons as: lack of orders, model changeover, termination of seasonal or temporary employment, inventory-taking, introduction of laborsaving devices, plant breakdown, shortage of materials; including temporarily furloughed employees and employees placed on unpaid vacations.

The claimant's separation from employment is not an issue because she did not work for this employer.

DECISION:

The representative's November 9, 2007 decision (reference 03) is reversed. There was no employment relationship between the claimant and employer. The matter is remanded for determination of the correct employer.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/pjs