

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**AARON D ALVAREZ**  
Claimant

**APPEAL NO. 09A-UI-19222-CT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MILLARD REFRIGERATED SRVS INC**  
Employer

**Original Claim: 07/12/09  
Claimant: Respondent (6-R)**

Section 96.5(2)a – Discharge for Misconduct

**STATEMENT OF THE CASE:**

Millard Refrigerated Services, Inc. (Millard) filed an appeal from a representative's decision dated December 9, 2009, reference 05, which held that no disqualification would be imposed regarding Aaron Alvarez' separation from employment. After due notice was issued, a hearing was held by telephone on February 3, 2010. The employer participated by Jeanine Rostoks, Human Resources. Mr. Alvarez did not respond to the notice of hearing.

**ISSUE:**

At issue in this matter is whether Mr. Alvarez was separated from employment for any disqualifying reason.

**FINDINGS OF FACT:**

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Alvarez filed an additional claim for job insurance benefits effective November 15, 2009 and listed Millard as his last employer. Notice of the claim was mailed to the employer on November 20. A protest was returned on November 25 indicating that no individual with Mr. Alvarez' name and/or social security number could be located in the employer's records.

Mr. Alvarez did perform services at Millard, but did so through a temporary placement service, Supreme Staffing, Inc. He has never been on Millard's payroll. Records of Workforce Development indicate wages reported for Mr. Alvarez by Supreme Staffing, Inc. for the fourth calendar quarter of 2009.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge is satisfied that the incorrect last employer was notified of Mr. Alvarez' additional claim. Therefore, this matter shall be remanded to Claims so that notice of the claim can be sent to Supreme Staffing, Inc. (307994).

**DECISION:**

The representative's decision dated December 9, 2009, reference 05, is hereby vacated, as Mr. Alvarez was never employed by Millard. This matter is remanded to Claims for notice to the correct last employer.

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Carolyn F. Coleman  
Administrative Law Judge

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Decision Dated and Mailed

cfc/kjw