

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ALBERT C LENEAR
Claimant

APPEAL NO. 08A-UI-04223-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

FEDEX GROUND PACKAGE SYSTEM INC
Employer

**OC: 08/19/07 R: 01
Claimant: Respondent (1)**

Section 96.5(1) – Voluntary Quit
Section 96.6(2) – Finality of Decisions

STATEMENT OF THE CASE:

FedEx Ground Package System, Inc. (FedEx) filed an appeal from a representative's decision dated April 24, 2008, reference 02, which held that no disqualification would be imposed regarding Albert Lenear's December 31, 2006 separation from employment. After due notice was issued, a hearing was held by telephone on May 14, 2008. The employer participated by Scott Cowles, Senior Manager. Mr. Lenear did not respond to the notice of hearing.

ISSUE:

At issue in this matter is whether Mr. Lenear was separated from employment on December 31, 2006 for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony of the witness and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Lenear was employed by FedEx for a period of time ending December 31, 2006. The employer's witness did not have specific information concerning this period of employment. It was his belief that, more likely than not, Mr. Lenear was hired to work during the holiday season and was released when his services were no longer needed.

Mr. Lenear returned to work for FedEx on April 20, 2007 and worked until May 1, 2007. He worked part time as a package handler in the warehouse. He was hired as a permanent part-time employee. He abandoned his job when he stopped reporting for available work after May 1. The employer attempted to reach him by telephone but was unsuccessful. Continued work would have been available if he had continued reporting for work.

Mr. Lenear filed a claim for job insurance benefits effective August 19, 2007. On September 24, 2007, Workforce Development issued a determination, reference 01, concerning Mr. Lenear's May 1, 2007 separation from FedEx. The determination concluded that he had left his employment on May 1, 2007 for no good cause attributable to the employer but remained eligible for benefits based on other base period wage credits. FedEx was relieved of benefit

charges based on the September 24 determination. The wage credits earned by Mr. Lenear with FedEx during the fourth quarter of 2006 were deleted from his claim as a result.

REASONING AND CONCLUSIONS OF LAW:

Mr. Lenear had two periods of employment with FedEx. It appears that he was, in fact, laid off due to lack of work on December 31, 2006 as he was only hired to work during the holiday season. Therefore, his separation of that date was not a disqualifying event. His separation of May 1, 2007 was previously adjudicated by Workforce Development in the determination dated September 24, 2007. That determination allowed benefits to Mr. Lenear and relieved FedEx of benefit charges. The determination became final in the absence of an appeal. See Iowa Code section 96.6(2). The administrative law judge does not have jurisdiction to change the determination, including the portion that relieved the employer of benefit charges based on wages earned during the fourth quarter of 2006.

For the reasons cited herein, Mr. Lenear is entitled to job insurance benefits on his claim filed effective August 19, 2007. The employer continues to be relieved of charges based on the September 24, 2007 determination by Workforce Development.

DECISION:

The representative's decision dated April 24, 2008, reference 02, is hereby affirmed. Mr. Lenear was separated from FedEx on December 31, 2006 for no disqualifying reason. Benefits are allowed, provided he satisfies all other conditions of eligibility. FedEx is relieved of charges based on a final determination by Workforce Development allowing a relief from charges.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/css