

**IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI**

**DONALD J FREDERICK
1209 SE CORTINA DR
ANKENY IA 50021**

**JAMIE CHRISTENSON CONSTRUCTION
3481 – 280TH ST
REDFIELD IA 50233**

**Appeal Number: 06A-UI-04398-S2T
OC: 03/19/06 R: 02
Claimant: Respondent (1)**

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

871 IAC 23.19(1) - Independent Contractor/Employee

STATEMENT OF THE CASE:

Jamie Chrstenson Construction (employer) appealed a representative's April 14, 2006 decision (reference 02) that concluded Donald Frederick (claimant) was discharged and there was no evidence of willful or deliberate misconduct. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on May 9, 2006. The claimant participated personally. The employer participated by Jamie Christenson, Owner.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: Claimant and Employer agree that claimant was acting as an

independent contractor, not an employee, in his business relationship with Jamie Christenson Construction.

REASONING AND CONCLUSIONS OF LAW:

The Iowa Employment Security Law deals only with employment relationships. If the claimant is found to be an independent contractor and not an employee, the circumstances surrounding the severance of the business relationship with that company is immaterial to the claim for unemployment insurance benefits

DECISION:

The representative's April 14, 2006 decision (reference 02) is affirmed. The parties agreed claimant is an independent contractor, the business relationship between claimant and Jamie Christenson Construction is immaterial to claimant's claim for benefits and employer account shall not be charged for benefits.

bas\pjs