

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

LEISHA F KRAGEL
Claimant

APPEAL 19A-UCFE-00012-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

USDA/EQUIFAX
Employer

**OC: 01/13/19
Claimant: Appellant (4R)**

Iowa Code § 96.4(3) – Ability to and Availability for Work
Iowa Admin. Code r. 871-24.23(26) – Able & Available – Availability Disqualifications
Iowa Code § 96.19(38)a & b – Total and Partial Unemployment
Iowa Code § 96.7(2)a(2) – Same Base Period Employment

STATEMENT OF THE CASE:

The claimant filed an appeal from the February 18, 2019, (reference 03) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on March 8, 2019. Claimant participated. Employer sent a letter stating it was not the correct employer and did not participate. Official notice was taken of the administrative record.

ISSUES:

Is the claimant eligible to receive partial benefits?
Is the claimant able to and available for work?
Is the claimant still employed at the same hours and wages?
Is the employer's account subject to charge?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant worked for and was paid wages by the National Association of State Departments (082387) and has not received wages directly from the United States Department of Agriculture. Claimant did not work at all during the two weeks ending January 26, 2019, and did not earn any wages. Claimant did not receive back pay for this time period.

The National Association of State Departments responded to the notice of claim, but Iowa Workforce Development did not issue a decision based on its response.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge has reviewed the records and files herein and concludes that the representative's decision shall be modified without prejudice to either party because claimant never worked for this employer.

DECISION:

The February 18, 2019, (reference 03) unemployment insurance decision is modified without prejudice to either party as claimant never worked for this employer.

REMAND:

The issue of whether claimant was allowed benefits during her temporary layoff with the National Association of State Departments (082387) as delineated in the findings of fact is remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and determination.

Christine A. Louis
Administrative Law Judge
Unemployment Insurance Appeals Bureau
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Decision Dated and Mailed

cal/scn