

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MICHAEL COCHRANE**  
Claimant

**APPEAL NO: 09A-UI-09800-BT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**KELLY SERVICES INC**  
Employer

**OC: 05/03/09**  
**Claimant: Appellant (2/R)**

871 IAC 26.2 - Dismissed - Not a Contested Case  
Iowa Code § 96.7 - Employer Liability - Wrong Employer Noticed

**STATEMENT OF THE CASE:**

Michael Cochrane (claimant) appealed an unemployment insurance decision dated June 30, 2009, reference 04, which held that he was not eligible for unemployment insurance benefits because he was not available for work. Due notice was issued scheduling the matter for a telephone hearing to be held July 23, 2009. Based on the fact that the incorrect employer was notified, the hearing was cancelled.

**ISSUE:**

The issue is whether a hearing in this matter is necessary.

**FINDINGS OF FACT:**

The administrative law judge, having reviewed and considered all of the evidence in the record, finds that: The claimant separated from the employer herein on November 14, 2008 and has requalified, making the employer's account not subject to charge.

The claimant most recently separated from Temps Now Heartland when his assignment ended at RR Donnelly in May 2009. There was apparently no work available and Temps Now Heartland did not protest benefits. However, the claimant's availability is now at issue and the employer should be given the opportunity to participate.

**REASONING AND CONCLUSIONS OF LAW:**

The question is whether a hearing in this matter is necessary. The administrative law judge concludes it is not because the appropriate employer was not notified.

When Iowa Workforce Development enters a decision affecting a claim for benefits, the Agency is required to notify the interested parties. See Iowa Code § 96.6. Kelly Services, employer account number 028362, was erroneously included as an interested party in the decision dated June 30, 2009, reference 04, and is in fact not an interested party.

The administrative law judge concludes that the June 30, 2009, reference 04, decision should be vacated and that the matter should be remanded to the Claims Division so the correct employer in interest may be notified prior to the hearing.

**DECISION:**

The disqualification decision and resulting appeal were filed in error. This case is remanded to the Claims Section for a determination on whether the claimant meets the availability requirements after his separation from Temps Now Heartland (Employer Account Number 3368300). Kelly Services' account is not subject to charge.

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Susan D. Ackerman  
Administrative Law Judge

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Decision Dated and Mailed

sda/pjs