

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**EDWARD F READ**  
Claimant

**AMERICAN PACKAGING CORP**  
Employer

**APPEAL 15A-UI-06386-H2T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 03/22/15**  
**Claimant: Appellant (2R)**

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Iowa Code S 96.18 – Employer-Employee Relationship

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the May 28, 2015, (reference 01) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on June 30, 2015. Claimant participated. The alleged employer participated through Darren Westercamp, Human Resources Manager.

**ISSUES:**

Was there an employer-employee relationship between the claimant and American Packaging Corporation?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full-time as a pre-press operator at the American Packaging Corporation, but his employer was Manpower of Iowa. He mistakenly listed his last employer as American Packaging Corporation and not Manpower of Iowa. No fact-finding or initial determination or even notice of claim has been mailed to Manpower of Iowa. The record reflects and the parties agree claimant has never worked for employer American Packaging Corporation, employer account number 211841.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant and putative employer never had an employment relationship.

Iowa Code § 96.19-18-a(2) provides:

18. "Employment".

a. Except as otherwise provided in this subsection "employment" means service, including service in interstate commerce, performed for wages or under any contract of hire, written or oral, expressed or implied. Employment also means any service performed prior to January 1, 1978, which was employment as defined in this subsection prior to such date and, subject to the other provisions of this subsection, service performed after December 31, 1977, by:

(2) Any individual who, under the usual common law rules applicable in determining the employer-employee relationship, has the status of an employee.

Both parties denied having an employment relationship. Claimant never performed a service for the this employer. As there was no employment relationship, the alleged employer is not liable for claimant's unemployment insurance benefits.

**DECISION:**

The May 28, 2015, (reference 01) representative's decision is reversed without prejudice to either party as claimant never worked for this employer.

**REMAND:**

The separation issue related to the actual employer as delineated in the findings of fact is remanded to the Benefits Bureau of Iowa Workforce Development for an initial review and determination.

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Teresa K. Hillary  
Administrative Law Judge

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Decision Dated and Mailed

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