

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RONNIE D DINE
Claimant

APPEAL NO: 14A-UI-13488-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

HARDEE'S FOOD SYSTEMS INC
Employer

OC: 04/13/14

Claimant: Respondent (5/R)

Section 96.6-2 – Interested Party
Section 96.7-2-a(2) – Base Period Employers

STATEMENT OF THE CASE:

An appeal was filed from a representative's decision dated December 22, 2014 (reference 04) regarding a separation from employment between Ronnie D. Dine (claimant) and an employer which occurred on or about November 30, 2014. The employer which was named as an interested party for that separation was Hardee's Food Systems, Inc., account 030450. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on January 27, 2015. The claimant participated in the hearing. Jim Hernandez appeared on behalf of the named employer. Based on the evidence, the arguments of the participants, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Does the representative have any effect on the parties?

FINDINGS OF FACT:

The named employer has corporately owned restaurants. The claimant in fact did work at one of the corporate restaurants in another state, but no recently than 1999, not in the claimant's base period.

The claimant's most recent employer was a Hardee's restaurant in Creston, Iowa. That restaurant is not a corporately owned and operated restaurant, but is owned and operated by a franchisee. A current review of the Agency's wage data base shows that wages have been reported as paid to the claimant in the fourth quarter 2014 by an employer Westar Foods, Inc., account 355055; Agency records further indicate that Westar Foods, Inc. is also known as Hardee's. Hernandez confirmed that Westar Foods, Inc. does hold a Hardee's franchise and that the franchise owner has a location in Creston, Iowa.

The claimant established an unemployment insurance benefit year effective April 13, 2014. He reactivated the claim by filing an additional claim effective November 30, 2014. Agency records indicate that a notice of the claim was sent to the named employer, but that no notice of the claimant's claim has as yet been sent to Westar Foods, Inc.

REASONING AND CONCLUSIONS OF LAW:

The Agency is to make a determination of eligibility between interested parties, generally meaning between the claimant and an affected employer. Iowa Code §§ 96.5, 96.6-2. The participant named as the employer in this case is not an affected employer, and is not a proper party to a determination relating to the claimant's separation. The representative's decision therefore has no effect on the parties.

The matter is remanded to the Benefits Bureau so that a proper notice of claim can be sent to the proper employer, Westar Foods, Inc.

DECISION:

The decision of the representative dated December 22, 2014 (reference 04) is modified with no direct effect on the parties. The representative's decision does not name the proper employer as party, and is not binding as to any determination regarding the separation from employment between the claimant and Westar Foods, Inc. The matter is **REMANDED** to the Benefits Bureau to ensure that proper notice of claim is sent to the proper employer, Westar Foods, Inc.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/pjs