

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SHELLY L MASON
Claimant

APPEAL NO. 10A-UI-04882-VST

**ADMINISTRATIVE LAW JUDGE
DECISION**

MERCY HOSPITAL
Employer

OC: 02/07/10
Claimant: Respondent (4R)

Section 96.5-2-A – Misconduct

STATEMENT OF THE CASE:

Employer filed an appeal from a decision of a representative dated March 25, 2010, reference 03, which held claimant eligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for May 13, 2010. Neither party was available at the time of the hearing. Agency records are the only available evidence in this case.

ISSUE:

Whether the claimant was discharged for misconduct from Mercy Hospital on February 7, 2010.

FINDINGS OF FACT:

The administrative law judge, having considered all of the evidence in the record, makes the following findings of fact:

The claimant was not employed by Mercy Hospital on February 7, 2010. The claimant does have wages in her base period from Mercy Hospital (068857-000) during the second quarter of 2009.

REASONING AND CONCLUSIONS OF LAW:

The representative's decision stated that the claimant was dismissed from work on February 7, 2010 for alleged misconduct but that there was insufficient evidence to show misconduct. In its appeal letter, the employer noted correctly that the claimant was not employed by Mercy Hospital on February 7, 2010. The claimant was employed by Mercy Hospital at some time during the second quarter of 2009.

Given the state of the record and the non-participation of either party, there is insufficient evidence for the administrative law judge to determine if Mercy Hospital (068857) should be charged in this case. Accordingly this matter is remanded to the Claims Section to make a determination on the correct employer for the separation of February 17, 2010, and whether Mercy Hospital (068857-000) should be relieved of charges.

DECISION:

The decision of the representative dated March 25, 2010, reference 03, is remanded to the Claims Section for a determination of the correct employer on the date of separation and whether this employer (068857-000) should be relieved of charges. No decision can be made on whether the claimant's separation was a disqualifying event until the correct employer is determined.

Vicki L. Seeck
Administrative Law Judge

Decision Dated and Mailed

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