

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JORDON D NEUMAN-MOZGA
Claimant

APPEAL NO. 11A-UI-15424-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

LUSCIOUS TIMES INC
Employer

OC: 02/27/11
Claimant: Respondent (1-R)

Section 96.5-1 – Voluntary Quit
Section 96.5-2-a – Discharge

STATEMENT OF THE CASE:

Luscious Times, Inc. filed a timely appeal from an unemployment insurance decision dated November 28, 2011, reference 05, that ruled that Jordon D. Neuman-Mozga's separation from employment with the company on August 1, 2011, was not a disqualifying event. After due notice was issued, a telephone hearing was held December 30, 2011, with President Mark Kassiff participating for the employer. Documents submitted by the employer were admitted into evidence as Exhibit 1. Ms. Neuman-Mozga did not provide a telephone number at which she could be contacted. The administrative law judge takes official notice of Agency wage records.

ISSUE:

Was the claimant's separation from employment with Luscious Times, Inc. a disqualifying event?

FINDINGS OF FACT:

Jordon D. Neuman-Mozga was hired by Luscious Times, Inc. to work at Paradise Pizza Café in West Des Moines, Iowa, in April or May of 2011. Luscious Times, Inc. sold the business to STD 777, LLC on August 1, 2011. Ms. Neuman-Mozga remained employed by the new owner until October or November of 2011. There is no indication in Agency wage records of any wages paid to Ms. Neuman-Mozga by STD 777. Likewise, there is no indication that that business has been notified that Ms. Neuman-Mozga filed an additional claim for benefits effective November 6, 2011.

REASONING AND CONCLUSIONS OF LAW:

The only issue that this administrative law judge can resolve in this decision is whether Ms. Neuman-Mozga's separation from employment on August 1, 2011, was a disqualifying event. It was not. Separation from employment is a disqualifying event only if the separation was a quit without cause attributable to the employer or a discharge for misconduct. See Iowa Code section 96.5-1 and 96.5-2-a, respectively. The claimant's employment with Luscious Times, Inc. ended because that employer sold the business at which she was employed.

The remaining issues raised in this hearing cannot be resolved by this administrative law judge at this time. The employer witness testified that he has received a letter from the Agency indicating that STD 777 was a successor employer. The administrative law judge cannot confirm that independently. If, in fact, that is the case, then the account of Luscious Times, Inc. shall not be charged for any benefits that may be paid to the claimant. The administrative law judge has no information showing that STD 777 has reported third-quarter wages being paid to Ms. Neuman-Mozga or that the Agency has notified STD 777 of Ms. Neuman-Mozga's additional claim for benefits. These issues are remanded to the Unemployment Insurance Services Division for appropriate action.

DECISION:

The unemployment insurance decision dated November 28, 2011, reference 05, is affirmed. The claimant's separation from employment with Luscious Times, Inc. was not a disqualifying event. The questions of whether wages paid to the claimant by this employer should be transferred to STD 777, whether that employer has properly reported wages paid to the claimant, and whether the Agency has notified that employer of the additional claim, are remanded.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw