

**IOWA DEPARTMENT OF INSPECTIONS AND APPEALS  
ADMINISTRATIVE HEARINGS DIVISION, UI APPEALS BUREAU**

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**ZACHARY P BALLSTAEDT**  
Claimant

**IOWA CONCRETE**  
Employer

**APPEAL NO. 22A-UI-18569-JT-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 10/02/22  
Claimant: Respondent (2)**

Iowa Code Section 96.6 – Notification of Interested Parties – Wrong Employer

**STATEMENT OF THE CASE:**

On November 2, 2022, Iowa Concrete, the named employer in interest, filed a timely appeal from the October 27, 2022 (reference 01) decision that allowed benefits to the claimant, provided the claimant was otherwise eligible for benefits, provided the claimant was otherwise eligible, and that held the employer account of Iowa Concrete could be charged for benefits, based on the deputy's conclusion the claimant was discharged on September 6, 2022 for no disqualifying reason. After due notice was issued, a hearing was held on November 28, 2022. Zachary Ballstaedt (claimant) participated. Troy Zaruba represented the employer and presented additional testimony through Dustin Mauck. The hearing in this matter was consolidated with the hearing in Appeal Number 22A-UI-18799-JT-T. Exhibits 1 and 2, the two online appeals, were received into evidence. The administrative law judge took official notice of the following Iowa Workforce Development records: DBRO, KCCO and WAGE-A. The administrative law judge also took official notice of the business entity search records for Iowa Concrete, L.L.C. and Heartland Pavers, L.L.C., which records are available to the public at the Iowa Secretary of State website, <https://sos.iowa.gov>.

**ISSUE:**

Whether the Iowa Workforce Development has named the correct employer in interest in the October 27, 2022 (reference 01) decision.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds:

Iowa Concrete, L.L.C. and Heartland Pavers, L.L.C. are sister companies owned and operated by Troy Zaruba and Michael Accola. Iowa Concrete, L.L.C. is a construction contracting business. Heartland Pavers employs the employees who perform work on Iowa Concrete construction projects. Heartland Pavers handles all aspects of payroll and issues payment to employees. Heartland Pavers has an employer account with Iowa Workforce Development and reported the claimant's quarterly wages to IWD. Iowa Concrete, L.L.C. did not make quarterly wages reports to IWD regarding the claimant. Only Heartland Pavers appears in the IWD

records as a base period employer. Only Heartland Pavers appeared on the monetary record IWD mailed to the claimant when he established his unemployment insurance claim.

On October 27, 2022, Iowa Workforce Development Benefits Bureau issued the reference 01 decision that allowed benefits to the claimant, provided the claimant was otherwise eligible for benefits, provided the claimant was otherwise eligible, and that held the employer account of Iowa Concrete could be charged for benefits, based on the deputy's conclusion the claimant was discharged on September 6, 2022 for no disqualifying reason. The reference 01 decision included an erroneous discharge date. The reference 01 decision did not include an employer account number.

On November 7, 2022, Iowa Workforce Development Benefits Bureau issued the reference 02 decision that allowed benefits to the claimant, provided the claimant met all other eligibility requirements, and that held the employer account of Heartland Paver, L.L.C. (employer account number 504220) could be charged for benefits, based on the deputy's conclusion that the claimant was discharged on October 6, 2022 for no disqualifying reason. The discharge from Heartland Pavers, L.L.C. is addressed in Appeal Number 22A-UI-18799-JT-T.

#### **REASONING AND CONCLUSIONS OF LAW:**

When Iowa Workforce Development enters a decision affecting a claim for benefits, the agency is required to notify the interested parties. See Iowa Code Section 96.6. Iowa Workforce Development erroneously named Iowa Concrete as the employer in interest in the October 27, 2022 (reference 01) decision. The correct employer in interest is Heartland Pavers, L.L.C. (employer account number 504220). The discharge from Heartland Pavers, L.L.C. is addressed in Appeal Number 22A-UI-18799-JT-T.

#### **DECISION:**

The October 27, 2022 (reference 01) decision is REVERSED. Iowa Workforce Development erroneously named Iowa Concrete as the employer in interest in the October 27, 2022 (reference 01) decision. The correct employer in interest is Heartland Pavers, L.L.C. (employer account number 504220). The discharge from Heartland Pavers, L.L.C. is addressed in Appeal Number 22A-UI-18799-JT-T.



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James E. Timberland  
Administrative Law Judge

December 1, 2022  
Decision Dated and Mailed

jet/scn

**APPEAL RIGHTS.** If you disagree with the decision, you or any interested party may:

1. Appeal to the Employment Appeal Board within fifteen (15) days of the date under the judge's signature by submitting a written appeal via mail, fax, or online to:

**Employment Appeal Board  
4<sup>th</sup> Floor – Lucas Building  
Des Moines, Iowa 50319  
Fax: (515)281-7191  
Online: [eab.iowa.gov](http://eab.iowa.gov)**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

**AN APPEAL TO THE BOARD SHALL STATE CLEARLY:**

- 1) The name, address, and social security number of the claimant.
- 2) A reference to the decision from which the appeal is taken.
- 3) That an appeal from such decision is being made and such appeal is signed.
- 4) The grounds upon which such appeal is based.

An Employment Appeal Board decision is final agency action. If a party disagrees with the Employment Appeal Board decision, they may then file a petition for judicial review in district court.

2. If no one files an appeal of the judge's decision with the Employment Appeal Board within fifteen (15) days, the decision becomes final agency action, and you have the option to file a petition for judicial review in District Court within thirty (30) days after the decision becomes final. Additional information on how to file a petition can be found at Iowa Code §17A.19, which is online at <https://www.legis.iowa.gov/docs/code/17A.19.pdf>.

**Note to Parties:** YOU MAY REPRESENT yourself in the appeal or obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds.

**Note to Claimant:** It is important that you file your weekly claim as directed, while this appeal is pending, to protect your continuing right to benefits.

**SERVICE INFORMATION:**

A true and correct copy of this decision was mailed to each of the parties listed.

**DERECHOS DE APELACIÓN.** Si no está de acuerdo con la decisión, usted o cualquier parte interesada puede:

1. Apelar a la Junta de Apelaciones de Empleo dentro de los quince (15) días de la fecha bajo la firma del juez presentando una apelación por escrito por correo, fax o en línea a:

**Employment Appeal Board  
4th Floor – Lucas Building  
Des Moines, Iowa 50319  
Fax: (515)281-7191  
En línea: [eab.iowa.gov](http://eab.iowa.gov)**

El período de apelación se extenderá hasta el siguiente día hábil si el último día para apelar cae en fin de semana o día feriado legal.

**UNA APELACIÓN A LA JUNTA DEBE ESTABLECER CLARAMENTE:**

- 1) El nombre, dirección y número de seguro social del reclamante.
- 2) Una referencia a la decisión de la que se toma la apelación.
- 3) Que se interponga recurso de apelación contra tal decisión y se firme dicho recurso.
- 4) Los fundamentos en que se funda dicho recurso.

Una decisión de la Junta de Apelaciones de Empleo es una acción final de la agencia. Si una de las partes no está de acuerdo con la decisión de la Junta de Apelación de Empleo, puede presentar una petición de revisión judicial en el tribunal de distrito.

2. Si nadie presenta una apelación de la decisión del juez ante la Junta de Apelaciones Laborales dentro de los quince (15) días, la decisión se convierte en acción final de la agencia y usted tiene la opción de presentar una petición de revisión judicial en el Tribunal de Distrito dentro de los treinta (30) días después de que la decisión adquiriera firmeza. Puede encontrar información adicional sobre cómo presentar una petición en el Código de Iowa §17A.19, que está en línea en <https://www.legis.iowa.gov/docs/code/17A.19.pdf>.

**Nota para las partes:** USTED PUEDE REPRESENTARSE en la apelación u obtener un abogado u otra parte interesada para que lo haga, siempre que no haya gastos para Workforce Development. Si desea ser representado por un abogado, puede obtener los servicios de un abogado privado o uno cuyos servicios se paguen con fondos públicos.

**Nota para el reclamante:** es importante que presente su reclamo semanal según las instrucciones, mientras esta apelación está pendiente, para proteger su derecho continuo a los beneficios.

**SERVICIO DE INFORMACIÓN:**

Se envió por correo una copia fiel y correcta de esta decisión a cada una de las partes enumeradas.