

**IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI**

**ANTHONY D FULLER
1628 “L” ST SW #6
CEDAR RAPIDS IA 52404**

**CAMBRIDGE TEMPOSITIONS INC
ATTN MANAGER
610 – 32ND AVE SW STE A
CEDAR RAPIDS IA 52404-9555**

**Appeal Number: 05A-UI-00934-CT
OC: 12/19/04 R: 03
Claimant: Respondent (3)**

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

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.

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.

YOU MAY REPRESENT yourself in this appeal or you may 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. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.6(2) – Initial Determinations

STATEMENT OF THE CASE:

Cambridge Tempositions, Inc. (Cambridge) filed an appeal from a representative's decision dated January 20, 2005, reference 03, which held that no disqualification would be imposed regarding Anthony Fuller's separation from employment. Due notice was issued scheduling the matter for at telephone hearing to be held on February 10, 2005. Mr. Fuller did not respond to the notice of hearing. The employer did respond to the notice. However, for reasons outlined herein, no hearing was held.

FINDINGS OF FACT:

Having reviewed all the evidence in the record, the administrative law judge finds: On December 29, 2004, Workforce Development issued a decision, reference 01, which held that Mr. Fuller had requalified for job insurance benefits after his disqualifying separation from Cambridge. The decision held that all wage credits earned with Cambridge for the period July 1, 2003 through June 14, 2004 would be charged to the unemployment compensation fund. The decision further held that Cambridge would not be charged for benefits paid to Mr. Fuller. Mr. Fuller has not worked for Cambridge at any point since June 14, 2004. The December 29, 2004 decision became final in the absence of an appeal by either party.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Mr. Fuller's separation from Cambridge has been previously adjudicated. The administrative law judge concludes that it has. Implicit in the decision that Mr. Fuller had requalified for benefits was the finding that the separation from Cambridge was a disqualifying event. Moreover, the decision of December 29, 2004, relieved Cambridge of benefit charges. The determination became final on January 8, 2005 when neither party filed an appeal. Mr. Fuller did not have employment with Cambridge after June 14, 2004 such that the decision of January 20, 2005 might be construed as applicable to a different period of employment.

For the reasons stated herein, the administrative law judge concludes that Workforce Development was without jurisdiction to issue the decision of January 20, 2005, which sought to re-adjudicate Mr. Fuller's separation from Cambridge. The decision of January 20, 2005 shall be modified to conform to the decision of December 29, 2004.

DECISION:

The representative's decision dated January 20, 2005, reference 03, is hereby modified. Mr. Fuller has requalified for job insurance benefits subsequent to his June 14, 2004 disqualifying separation from Cambridge. Benefits are allowed, provided he satisfies all other conditions of eligibility, but shall not be charged to Cambridge's account.

cfc/pjs