

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LEOPOLDO MARTINEZ
Claimant

APPEAL NO. 12A-UI-05129-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

PREMIER SERVICES INC
Employer

OC: 04/01/12
Claimant: Respondent (1)

Iowa Code Section 96.6 –Aggrieved Party Required

STATEMENT OF THE CASE:

The employer filed a timely appeal from the April 30, 2012, reference 01, decision that allowed benefits to the claimant generally, provided he was otherwise eligible, but disqualified the claimant for benefits based on wages earned from Premier Services, Inc. until he had earned wages equal to 10 times his weekly benefit amount after separating from the employer. The decision also relieved Premier Services, Inc. of liability for benefits. A hearing was set for May 24, 2012, and the parties were duly notified. The employer was available through Josh Short. The claimant was not available at the number he had provided for the hearing. After reviewing the administrative file and the employer's appeal letter, the administrative law judge concludes that a hearing is not necessary and that the appeal should be dismissed.

ISSUE:

Whether the employer is an aggrieved party.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: On April 30, 2012, a Workforce Development representative entered a reference 01 decision that allowed benefits to the claimant generally, provided he was otherwise eligible, but disqualified the claimant for benefits *based on wages earned from Premier Services, Inc.* until he had earned wages equal to 10 times his weekly benefit amount after separating from the employer. *The decision also relieved Premier Services, Inc. of liability for benefits.* The decision was based on the agency representative's conclusion that the claimant had voluntarily quit *part-time* employment on December 7, 2011 without good cause attributable to Premier Services, Inc. The claimant had worked for Premier Services, Inc. one day before separating from the employment. The employer is a base period employer. The employer reported \$58.00 in wages paid to the claimant during the fourth quarter of 2011. Mr. Martinez's wage credit based on those wages was \$19.33, one-third of the gross wages.

REASONING AND CONCLUSIONS OF LAW:

The appeal rights and procedures set forth at Iowa Code section 96.6 presuppose and require the existence of an aggrieved party. The employer is not an aggrieved party in connection with the Claims representative's April 30, 2012, reference 01, decision because the employer has already received all remedy available to the employer under the law. For that reason, the administrative law judge concludes it is appropriate to dismiss the appeal.

DECISION:

The employer's appeal is dismissed. The employer is not an aggrieved party. The Agency representative's April 30, 2012, reference 01 is affirmed. The claimant voluntarily quit part-time employment without good cause attributable to the employer on December 7, 2011. The claimant is eligible for benefits generally, provided he is otherwise eligible. But, the claimant is disqualified for benefits *based on the \$58.00 in wages earned from Premier Services, Inc.* until he had earned wages equal to 10 times his weekly benefit amount after the separation. Premier Services, Inc. will not be charged for benefits based on wages the claimant earned on or before the December 7, 2011 separation date.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/pjs