

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

CHARLES A SCOTT
834 CLARK ST
IOWA CITY IA 52240

THEATRICAL STAGE WORKERS INC
PO BOX 2832
DAVENPORT IA 52809-2832

Appeal Number: 04A-UI-05014-AT
OC: 04-04-04 R: 03
Claimant: Respondent (1)

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 96.4-3 – Eligibility for Benefits

STATEMENT OF THE CASE:

Theatrical Stage Workers, Inc. filed a timely appeal from an unemployment insurance decision dated April 20, 2004, reference 01, which allowed benefits to Charles A. Scott. After due notice was issued, an informal hearing was held May 24, 2004 with Mr. Scott participating and James Jekel participating for the employer.

FINDINGS OF FACT:

Having examined all matters of record, the administrative law judge finds: Charles A. Scott has been laid off by his primary employer, Merit Resources. He continues to work on-call for Theatrical Stage Workers, Inc. as work is available. Theatrical Stage Workers, Inc. is offering

the same employment to Mr. Scott that it offered during the base period upon which his benefits are computed.

REASONING AND CONCLUSIONS OF LAW:

The question is whether Mr. Scott should be eligible to receive unemployment insurance benefits and if Theatrical Stage Workers, Inc. should be charged for those benefits.

The evidence establishes that Mr. Scott has been laid off by his principle employer. For this reason he meets the definition of an unemployed individual found in Iowa Code Section 96.19. It is also clear that he continues to receive the same employment from Theatrical Stage Workers, Inc. that he received during his base period. Iowa Code Section 96.7 allows the employer to be relieved of charges under these circumstances.

DECISION:

The unemployment insurance decision dated April 20, 2004, reference 01, is affirmed. The claimant is entitled to receive unemployment insurance benefits, provided he is otherwise eligible. No benefits shall be charged to the account of Theatrical Stage Workers, Inc.

tjc/b