

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**CARLOS COOPER**  
Claimant

**GKN ARMSTRONG WHEELS INC**  
Employer

**APPEAL 21A-UI-15540-AD-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 03/28/21  
Claimant: Respondent (2)**

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Iowa Code § 96.8(5) – Liability of Certain Employers (Department Error)

**STATEMENT OF THE CASE:**

On July 12, 2021, GKN Armstrong Wheels Inc. (employer/appellant) appealed the Iowa Workforce Development decision dated July 9, 2021 (reference 01) that allowed unemployment insurance benefits based on a finding claimant was discharged on April 6, 2021 without a showing of misconduct.

After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on September 1, 2021. Carlos Cooper (claimant/respondent) participated personally. The employer participated by HR Generalist Brenda Evans. Official notice as taken of the administrative record.

The parties waived notice on the issue of whether claimant was an employee of employer.

**ISSUE:**

The issue is whether the claimant was separated from employment for any disqualifying reason.

**FINDINGS OF FACT:**

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

The record reflects and the parties agree claimant has never worked for this employer. Claimant was assigned to employer by Manpower International. He was never hired or paid directly by employer. There are no wages reported for claimant by this employer.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons set forth below, the decision dated July 9, 2021 (reference 01) that allowed unemployment insurance benefits based on a finding claimant was discharged on April 6, 2021 without a showing of misconduct is REVERSED without prejudice to either party.

The administrative law judge finds claimant was not an employee of employer. As such he is not disqualified from benefits based on any separation from employer. Furthermore, employer is not liable for benefits paid.

**DECISION:**

The decision dated July 9, 2021 (reference 01) that allowed unemployment insurance benefits based on a finding claimant was discharged on April 6, 2021 without a showing of misconduct is REVERSED without prejudice to either party. Claimant was not an employee of employer. Claimant shall not be denied benefits based upon this decision and employer shall not be responsible for benefit charges.



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Andrew B. Duffelmeyer  
Administrative Law Judge  
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September 8, 2021  
Decision Dated and Mailed

abd/scn