

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

DONALD R SCHNEIDER
106 SMOKE SIGNAL
EAST DUBUQUE IL 61025

FINLEY HOSPITAL
350 N GRANDVIEW
DUBUQUE IA 52001

Appeal Number: 05A-UI-00940-JTT
OC: 10/17/04 R: 12
Claimant: Respondent (2)

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 96.7(2)(a)(6) – Employer Contribution

STATEMENT OF THE CASE:

Finley Hospital filed a timely protest of the reimbursable charges for fourth quarter 2004 for benefits paid to the claimant. After due notice was issued, a hearing was held on February 11, 2005. The claimant participated in the hearing. The employer participated through Carla Waldbillig. Exhibits D-1 through D-8 were received into evidence.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Donald Schneider commenced employment with Finley Hospital on December 2, 2003, as a full-time floor finisher in the housekeeping department. Mr. Schneider established a claim for benefits that was effective October 17, 2004 and received benefits in the amount of \$103.00 during the benefit week that ended October 30 and benefits in the amount of \$98.00 for the benefit week

that ended November 6, 2004. The Notice of Claim, dated October 19, 2004, indicated that the basis of the claim was a temporary layoff. However, Finley Hospital had not laid off the claimant, or reduced his hours of employment or pay. Finley Hospital did not receive a copy of the Notice of Claim. The employer's account was charged \$103.00 for benefits paid to the claimant during the fourth quarter of 2004.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence in the record establishes that the employer's account should have been charged \$103.00 for benefits paid to the claimant during the fourth quarter of 2004.

If an individual to whom benefits are paid is in the employ of a base period employer at the time the individual is receiving the benefits, and the individual is receiving the same employment from the employer that the individual received during the individual's base period, benefits paid to the individual shall not be charged against the account of the employer. See Iowa Code section 96.7(2)(a)(2).

Based on the evidence in the record, as set forth in the Findings of Fact, and application of the appropriate law, the administrative law judge concludes that the employer's account should not have been charged for benefits paid to the claimant during the fourth quarter of 2004.

DECISION:

The employer's account should not have been charged for benefits paid to the claimant during the fourth quarter of 2004. The charge to the employer's account for \$103.00 in benefits paid to the claim during the fourth quarter of 2004 should be deleted and/or credited.

jt/sc