

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RITA MEINECKE
Claimant

APPEAL NO. 07A-UI-07671-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MACDONALD INSURANCE AGENCY INC
Employer

OC: 07/08/07 R: 01
Claimant: Respondent (1/R)

Section 96.5-2-a – Discharge for Misconduct

STATEMENT OF THE CASE:

MacDonald Insurance Agency, Inc. (employer) appealed an unemployment insurance decision dated August 6, 2007, reference 02, which held that Rita Meinecke (claimant) was eligible for unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on August 27, 2007. The claimant participated in the hearing. The employer participated through Joan St.Clair, Vice-President and Office Manager of MacDonald LLC. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

The issue is whether the employer discharged the claimant for work-related misconduct.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was employed as a full-time secretary/receptionist for MacDonald Insurance Agency, Inc. from August 28, 2006 through December 31, 2006. At that time, the agency sold its assets to MacDonald LLC who has a mailing address of 120 Sixth Avenue, Coon Rapids, Iowa 50058. The claimant began working for MacDonald LLC on January 1, 2007 and worked until July 6, 2007 when she was terminated by the new owner. Consequently, the Notice of Claim was sent to the incorrect employer and there has been no determination made as to whether the claimant's separation from MacDonald LLC was disqualifying or not.

Although the claimant worked through the fourth quarter of 2006 for the employer herein, there are no wage credits for the fourth quarter. Furthermore, no wages are shown from MacDonald LLC when the evidence demonstrates the claimant worked through the first two quarters of 2007.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the reasons for the claimant's separation from employment qualify her to receive unemployment insurance benefits. All terminations of employment are generally classified as layoffs, quits, discharges or other separations. 871 IAC 24.1(113)(a). A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer or an employer has discharged the claimant for work-connected misconduct. Iowa Code sections 96.5-1 and 96.5-2-a.

The evidence establishes the claimant worked through the end of 2006 with the employer and was then transferred to the new owner. Her separation from employment was not due to any misconduct on her part nor did she quit her job. The claimant is qualified to receive unemployment insurance benefits based on her separation from the employer herein, provided she is otherwise eligible.

However, this case is remanded to the Claims Section for a proper determination as to the claimant's eligibility for benefits based on the correct employer. The case is also remanded for an investigation and determination as to the claimant's missing wage credits. 871 IAC 26.14(5).

DECISION:

The unemployment insurance decision dated August 6, 2007, reference 02, is affirmed. This case is remanded to the Claims Section for a determination on whether the claimant is eligible for benefits based on her separation from MacDonald LLC and for further investigation as to the claimant's missing wage credits.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/css