

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

DALE M TESDAHL
PO BOX 142
SLATER IA 50244

MAID RITE OF ANKENY
802 SE ORALABOR RD
ANKENY IA 50021

Appeal Number: 05A-UI-00121-AT
OC: 06-27-04 R: 02
Claimant: Respondent (5)

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 96.5-2-a - Discharge

STATEMENT OF THE CASE:

Maid Rite of Ankeny filed a timely appeal from an unemployment insurance decision dated December 27, 2004, reference 03, which allowed benefits to Dale M. Tesdahl and which stated that the employer's account might be charged for benefits paid to him. After due notice was issued, a telephone hearing was held January 20, 2005 with owner, Mike Williams, participating for the employer. Mr. Tesdahl did not provide a telephone number at which he could be contacted.

FINDINGS OF FACT:

Having heard the testimony of the witness and having examined all of the evidence in the record, the administrative law judge finds: Dale M. Tesdahl was never employed by Maid Rite of Ankeny. Mr. Tesdahl attended a voluntary orientation for prospective employees. Before any discussion of a formal offer of work, Mr. Tesdahl told the owner, Mike Williams, that he was not interested in the position. Maid Rite of Ankeny paid no wages to Mr. Tesdahl.

REASONING AND CONCLUSIONS OF LAW:

The question before the administrative law judge is whether the events described above have any impact on Mr. Tesdahl's claim for unemployment insurance benefits or the employer's liability for unemployment insurance benefits. They do not.

The evidence establishes that no employment relationship was ever created. No job was offered or refused. No wages were paid by the employer to the claimant. No disqualification shall be imposed on the claimant but no benefits shall be charged to the account of Maid Rite of Ankeny.

DECISION:

The unemployment insurance decision dated December 27, 2004, reference 03, is modified. The claimant was never employed by Maid Rite of Ankeny. He is entitled to receive unemployment insurance benefits, provided he is otherwise eligible. No benefits shall be charged to the account of this employer.

pjs/pjs