

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

LORIA L FOULKES
725 – 14TH ST
ROCK ISLAND IL 61201

RICHARD O JACOBSON ET AL
JACOBSON INDUSTRIAL SERVICES
3811 DIXON ST
DES MOINES IA 50313

Appeal Number: 04A-UI-12786-MT
OC: 10/31/04 R: 12
Claimant: Appellant (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)

871 IAC 23(43) – Relief of Charges

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a statement of charges dated November 17, 2003, reference 01, which assessed charges to employer's account. After due notice, a telephone conference hearing was scheduled for and held on December 21, 2004. Employer participated by Bert Shinbori, Branch Manager. Claimant responded to the hearing notice and did not participate, as claimant was not available at the telephone number left with the Appeals Bureau.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant worked for the employer for one day, November 29, 2004.

Claimant was placed on a one-day temporary assignment. Claimant completed her assignment. Employer protested because claimant worked for such a short time.

REASONING AND CONCLUSIONS OF LAW:

The issue in this matter is whether employer's account can be relieved of charges.

871 IAC 23.43(9) provides in part:

(9) Combined wage claim transfer of wages.

a. Iowa employers whose wage credits are transferred from Iowa to an out-of-state paying state under the interstate reciprocal benefit plan as provided in Iowa Code section 96.20, will be liable for charges for benefits paid by the out-of-state paying state. No reimbursement so payable shall be charged against a contributory employer's account for the purpose of Iowa Code Section 96.7, unless wages so transferred are sufficient to establish a valid Iowa claim, and that such charges shall not exceed the amount that would have been charged on the basis of a valid Iowa claim. However, an employer who is required by law or by election to reimburse the trust fund will be liable for charges against the employer's account for benefits paid by another state as required in Iowa Code section 96.8(5), regardless of whether the Iowa wages so transferred are sufficient or insufficient to establish a valid Iowa claim. Benefit payments shall be made in accordance with the claimant's eligibility under the paying state's law. Charges shall be assessed to the employer which are based on benefit payments made by the paying state.

It is held that the charges are correct because claimant completed her contract of hire by working the one-day. There is no basis for a protest due to length of employment. As such, an assessment of charges is appropriate and the prior decision stands.

DECISION:

The statement of charges dated November 17, 2003, reference 01, is affirmed. The assessment of charges is correct.

mdm\b