

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MARTEZ C LACY

Claimant

APPEAL 21A-UI-21763-AR-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

TRI CITY FOODS OF IOWA LLC

Employer

OC: 08/23/20

Claimant: Respondent (5)

Iowa Code § 96.5(2)a – Discharge for Misconduct

Iowa Code § 96.3(7) – Recovery of Benefit Overpayment

Iowa Admin. Code r. 871—24.10 – Employer/Representative Participation Fact-finding Interview

Iowa Admin. Code r. 871—23.19 – Employer/Employee Relationship

STATEMENT OF THE CASE:

The putative employer, Tri City Foods of Iowa, LLC, filed an appeal from the September 24, 2021, (reference 03) unemployment insurance decision that allowed benefits based upon the determination that claimant, Martez C. Lacy, was discharged for no disqualifying misconduct. The parties were properly notified of the hearing. A telephone hearing was held on November 19, 2021. The claimant did not respond to the hearing notice and did not participate. The putative employer participated through Christine Ficarella. The administrative law judge took official notice of the administrative record.

ISSUE:

Did the claimant work for this employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The appellant's records do not reflect that claimant has ever been an employee. The administrative record also reflects that claimant never worked for this putative employer. WAGE-A reflects no wages reported under this business entity's name or employer identification number. Because the record reflects that claimant was not an employee with this business entity, there was no separation from employment.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge has reviewed the records and files herein and concludes that the representative's decision shall be modified with no change in effect because claimant never performed services for this business entity; accordingly, no separation from employment occurred with respect to this business entity. Iowa Admin. Code r. 871—23.19.

DECISION:

The September 24, 2021, (reference 03) unemployment insurance decision is modified with no change in effect as claimant never worked for this business entity and no separation from employment occurred as to this business entity.



Alexis D. Rowe
Administrative Law Judge

December 30, 2021
Decision Dated and Mailed

ar/kmj