

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JOSHUA J HEINRICH
Claimant

APPEAL NO. 07A-UI-02940-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TEAM STAFFING SOLUTIONS INC
Employer

**OC: 02/18/7 R: 04
Claimant: Respondent (2)**

Section 96.6 – Notification of Interested Parties

STATEMENT OF THE CASE:

Team Staffing Solutions filed a timely appeal from the March 13, 2007, reference 01, decision that allowed benefits. A hearing was scheduled for April 9, 2007, but not held, because it was not necessary. The administrative law judge has taken official notice of the claims representative's reference 04 decision entered on April 2, 2007 and the reference 05 decision entered on March 29, 2007.

ISSUE:

Decision voided by the Claims Section.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: On March 13, 2007, a claims representative entered a reference 01 decision that the claimant was eligible for benefits, provided he was otherwise eligible, and that Team Staffing Solutions, Inc., employer account number 303492, could be charged for benefits paid to the claimant. The decision was based on a separation from employment on February 19, 2007.

On March 29, 2007, a claims representative entered a reference 05 decision that nullified and voided the March 13, 2007, reference 01, decision and concluded that the wrong employer and employer account number had been named in the decision.

On April 2, 2007, a claims representative entered a reference 04 decision that deemed the claimant eligible for benefits, provided he was otherwise eligible, and that employer C & D of Muscatine, Inc., employer account number 282206 could be charged for benefits paid to the claimant. The decision was based on the separation from the employment on February 19, 2007.

The Claims Section has concluded that C & D of Muscatine is the appropriate employer in interest and that Team Staffing Solutions is not the appropriate employer in interest.

REASONING AND CONCLUSIONS OF LAW:

When Iowa Workforce Development enters a decision affecting a claim for benefits, the Agency is required to notify the interested parties. See Iowa Code section 96.6. Team Staffing Solutions was erroneously included as the employer in the decision dated March 13, 2007, reference 01.

871 IAC 24.19(3) provides as follows:

Upon receiving a written request for review or, on its own initiative and on the basis of the facts as it may have in its possession or may acquire, the Claims Section may affirm, modify, or reverse the prior decision, or refer the claim to an administrative law judge. The claimant or any other party filing the request for review shall be promptly notified of the decision or referral. Unless the claimant or any other party files an appeal within ten days after the date of mailing, the latter decision shall be final and benefits shall be paid or denied in accordance therewith.

The Claims Section has reversed its own prior reference 01 decision by means of the reference 05 decision entered on March 29, 2007. The Claims Section has issued a new reference 04 decision that names the appropriate employer in interest. The reference 04 and reference 05 decisions each contain an appropriate deadline for appeal.

Further proceedings in the present matter are not necessary because the decision upon which the appeal is based has been voided by the Claims Section.

DECISION:

The Agency representative's decision dated March 13, 2007, reference 01, is reversed, because the decision has nullified and voided by the Claims Section. Further proceedings in this matter are not appropriate or necessary.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

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