

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

PAULA FENNER
Claimant

APPEAL NO: 09A-UI-15326-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

KEMMERER MARINE INC
Employer

OC: 1-25-09
Claimant: Respondent (2R)

Section 96.8(5) – Liability of Certain Employers (Department Error)

STATEMENT OF THE CASE:

The employer filed a timely appeal from the October 9, 2009, reference 02, decision that allowed benefits and charged the account of the employer. After due notice was issued, a hearing was scheduled on November 12, 2009. The claimant provided a phone number prior to the hearing but was not available at that number at the time of the hearing and did not participate in the hearing or request a postponement of the hearing as required by the hearing notice. Mark Kemmerer, President/Owner, participated in the hearing on behalf of the employer.

ISSUE:

The issue is whether the claimant ever worked for this employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The appeal was based upon the representative's decision finding Kemmerer Marine to be the claimant's employer. The record reflects and the employer testified the claimant has never worked for this employer.

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 reversed without prejudice to either party.

DECISION:

The October 9, 2009, reference 02, representative's decision is reversed without prejudice to either party. The claimant shall not be denied benefits based upon this decision and Kemmerer Marine (account number 013165-000) shall not be responsible for benefit charges. The issue of the correct employer shall be remanded to the Tax Section for a determination of the correct employer.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/css