

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MICHAEL SMITH
Claimant

APPEAL NO: 09A-UI-08407-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

QUAD CITY LODGING PARTNERS LLC
Employer

OC: 04/19/09
Claimant: Respondent (4)

871 IAC 24.9(2) - Nonmonetary determinations
871 IAC 26.2 - Dismissed –Not a Contested Case

STATEMENT OF THE CASE:

Quad City Lodging Partners, LLC (employer) appealed an unemployment insurance decision dated June 9, 2009, reference 01, which held that Michael Smith (claimant) was eligible for unemployment insurance benefits based on a voluntary separation. Before a hearing could be held, the Agency issued a subsequent decision correcting the original decision. Under these circumstances, no hearing is necessary. Based on the subsequent decision that amended reference 01, the administrative record, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

The issue is whether a hearing in this matter is necessary?

FINDINGS OF FACT:

The administrative law judge, having reviewed and considered all of the evidence in the record, finds that: The decision from which the employer appealed has been corrected by a subsequent fact-finding decision issued June 19, 2009.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether a hearing in this matter is necessary and for the following reasons, the administrative law judge concludes it is not.

The decision from which the employer appealed indicated the claimant voluntary quit his employment. A subsequent fact-finding decision corrected the earlier decision and held that the claimant was temporarily laid off due to lack of work but was still attached to the employer. As a result of the later decision that amended reference 01, there are no issues to be adjudicated in this matter.

DECISION:

The unemployment insurance decision dated June 9, 2009, reference 01, is modified in favor of the employer. The claimant is eligible for unemployment insurance benefits based on a temporary lay-off from the employer, provided he is otherwise eligible.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/css