

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**EMERAL HAMILTON**  
Claimant

**APPEAL NO: 13A-UI-11619-ET**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**AMERICAN EAGLE AIRLINES INC**  
Employer

**OC: 08/25/13**  
**Claimant: Respondent (2-R)**

871 IAC 26.2 – Dismissed - Not a Contested Case  
Iowa Code § 96.7 - Employer Liability - Wrong Employer Noticed

**STATEMENT OF THE CASE:**

The employer filed a timely appeal from an unemployment insurance decision dated October 9, 2013, reference 05, which found the claimant was eligible for unemployment insurance benefits. Due notice was issued scheduling the matter for a telephone hearing to be held November 8, 2013.

Both parties responded to the hearing notice instructions but no hearing was necessary as the decision was able to be made based upon the evidence in the record by agreement of the parties.

Both the claimant and the employer agreed the claimant was never employed by American Eagle Airlines (Employer Account Number 202570) but rather was employed by Trego/Dugan Aviation located in Grand Island, Nebraska, (Employer Account Number 531484). Based on the fact that the claimant never worked for this employer, the hearing was cancelled.

**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 notice of claim was sent to the incorrect employer, American Eagle Airlines, who subsequently filed a protest explaining the claimant did not work for them. A fact-finding interview was held October 8, 2013, and the fact finder found the employer liable for benefits. The employer appealed and an appeal hearing was scheduled. Prior to the hearing, the employer representative contacted the administrative law judge to again report the claimant never worked for this employer.

The employer for whom the claimant worked was Trego/Dugan Aviation based in Grand Island, Nebraska. The claimant worked for its facility in Sioux City, Iowa. Its employer account

number is 531484. There has been no determination made as to whether the claimant's separation from Trego/Dugan Aviation was disqualifying.

**REASONING AND CONCLUSIONS OF LAW:**

The question is whether a hearing in this matter is necessary. The administrative law judge concludes it is not because the representative's decision and resulting appeal were filed in error. The administrative law judge has reviewed the records and files herein and concludes that the original decision should be reversed and the appeal should be dismissed as to American Eagle Airlines.

There has been no determination made as to whether the claimant's separation from Trego/Dugan Aviation was disqualifying. This case is remanded to the Claims Section for a proper determination as to the claimant's eligibility for benefits based on the correct employer.

**DECISION:**

The administrative law judge has reviewed the records and files herein and concludes that the original decision should be reversed and the appeal should be dismissed as to American Eagle Airlines. The claimant did not work for American Eagle Airlines and no benefits shall be charged to account number 202570. This case is remanded to the Claims Section for a determination on whether the claimant is eligible for benefits based on her separation from Trego/Dugan Aviation. (Employer Account Number 531484).

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

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