

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

NIYA N BAKER
Claimant

AG EXPRESS ELECTRONICS INC
Employer

APPEAL 21A-UI-21633-CS-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 08/22/2021
Claimant: Respondent (5)**

Iowa Code § 96.5(1) – Voluntary Quitting
Iowa Code §96.5(2)a-Discharge/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:

On September 28, 2021, employer, Ag Express Electronics, Inc., filed an appeal from the September 23, 2021, reference 01, unemployment insurance decision that allowed benefits based upon the determination that claimant was discharged by the employer, Ag Express Electronics, Inc, for no willful or deliberate misconduct. The parties were properly notified about the hearing held by telephone on November 18, 2021. The claimant did not register a number to participate. The employer did participate through CFO, Brian Benjamin. Administrative notice was taken of claimant's unemployment insurance records.

ISSUES:

Was the separation a layoff, discharge for misconduct, or voluntary quit without good cause?

Should claimant repay benefits and/or charge employer due to employer participation in fact-finding?

Is the claimant overpaid benefits?

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 IWD representative's decision indicates Ag Express Electronics, Inc. was claimant's employer. Claimant never worked for Ag Express Electronics, Inc. (234128), and has no wage records with this employer. Instead, she worked for Aerotek, Inc (246849). Claimant was Aerotek, Inc.'s employee that was contracted to work at Ag Express Electronics, Inc. from June 29, 2021 through August 3, 2021. Claimant was never hired by Ag Express Electronics, Inc. as an employee.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge has reviewed the records and concludes that the representative's decision shall be modified with no change in effect because claimant never worked for this employer. Claimant could not have been dismissed from employment with an employer for whom she never worked. Any charges against Ag Express Electronics, Inc. (234128) shall be removed from their account.

DECISION:

The September 23, 2021 (reference 01) unemployment insurance decision is modified without change in effect as claimant never worked for this employer.

REMAND:

This matter is remanded to the Benefits Bureau for entry of a decision that includes the correct employer in interest.

A handwritten signature in black ink that reads "Carly Smith". The signature is written in a cursive style. Below the signature, there is a small, faint, illegible stamp.

Carly Smith
Administrative Law Judge
Unemployment Insurance Appeals Bureau

December 21, 2021

Decision Dated and Mailed

cs/abd