

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JEFFREY A MCKIBBEN
Claimant

GREGG YOUNG BUICK GMC LLC
Employer

APPEAL 21A-UI-05680-S2-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/15/20
Claimant: Appellant (4R)

Iowa Code § 96.8(5) – Liability of Certain Employers

STATEMENT OF THE CASE:

The claimant filed an appeal from the February 9, 2021, (reference 03) unemployment insurance decision that denied benefits based upon a finding that claimant was on a leave of absence. The parties were properly notified of the hearing. A telephone hearing was held on April 27, 2021. Claimant Jeffrey A. McKibben participated and testified. Alice McKibben and Melinda Benson observed on behalf of the claimant. Employer Gregg Young Buick GMC, LLC participated through human resources specialist Jodi Mumma.

ISSUE:

Did claimant work for this employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Employer and claimant assert and the administrative record confirms that claimant never worked for this business entity (account number 612116). The employer account number was entered incorrectly into the claim. The correct employer is Gregg Young Auto Group (account number 615215). The issue of whether the claimant is on an approved leave of absence from the correct employer has not yet been determined by the Benefits Bureau.

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 modified without prejudice to either party because claimant never worked for this business entity.

DECISION:

The February 9, 2021, (reference 03) unemployment insurance decision is modified without prejudice to either party as claimant never worked for this business entity.

REMAND:

The issue of whether claimant is able to and available for work related to the actual employer as delineated in the findings of fact is remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and determination.



Stephanie Adkisson
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515)478-3528

April 30, 2021
Decision Dated and Mailed

sa/ol

Note to Claimant:

This decision determines you are not eligible for regular unemployment insurance benefits. If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision. Individuals who do not qualify for regular unemployment insurance benefits due to disqualifying separations, but who are currently unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.