

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LYNN ANDERSON

Claimant

APPEAL NO: 11A-UI-09018-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

CRST VAN EXPEDITED INC

Employer

OC: 01-23-11

Claimant: Respondent (2R)

Section 96.7 - Employer Liability - Wrong Employer Noticed

STATEMENT OF THE CASE:

The employer filed a timely appeal from a representative's decision dated July 1, 2011, reference 04, which allowed benefits to the claimant. After due notice was issued a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on August 4, 2011, and continued on August 10, 2011. The claimant did not respond to the hearing notice and did not participate in the hearing or request a postponement of the hearing as required by the hearing notice. Sandy Matt, Human Resources Specialist, participated in the hearing on behalf of the employer.

ISSUE:

The issue is whether the claimant was employed by this employer.

FINDINGS OF FACT:

The administrative law judge, having reviewed and considered all of the evidence in the record, finds that: The claimant was never employed by CRST Van Expedited. He was paid a \$100.00 signing bonus but never drove a mile for the employer. The employer subsequently, inadvertently reported wages for the claimant in the amount of \$4,824.00. It has since discovered its error and notified the Agency.

The claimant opened a claim for unemployment insurance effective January 23, 2011, and reopened his claim effective May 11, 2011. He was receiving benefits in a prior claim year from a previous employer and is currently receiving emergency unemployment insurance benefits.

REASONING AND CONCLUSIONS OF LAW:

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 and to the Tax Section for an accurate determination of the claimant's wages from this employer. The representative's decision shall be reversed without prejudice to either party.

DECISION:

The July 1, 2011, reference 04, decision is reversed without prejudice to either party. At this time no disqualification is imposed on the claimant, and no charges shall be made to the account of this employer. The claimant did not work for CRST Van Expedited and no benefits shall be charged to account number 039128. This case is remanded to the Claims Section for a determination on whether the claimant is eligible for benefits based on his separation from another employer and remanded to the Tax Section for a correct determination of the claimant's wages from this employer.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/pjs