

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

JUNE CRAIG
713 – 8TH AVE S
CLINTON IA 52732

PEOPLE 2.0 GLOBAL INC
780 E MARKET ST #120
WEST CHESTER PA 19382

JANE BROWN
ALLSTAR STAFFING
2100 S 21ST ST
CLINTON IA 52732

Appeal Number: 06A-UI-02296-SWT
OC: 11/27/05 R: 04
Claimant: Respondent (1-R)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

871 IAC 24.1(113)a - Layoff

STATEMENT OF THE CASE:

The employer, People 2.0 Global, appealed an unemployment insurance decision dated February 14, 2006, reference 03, that concluded the claimant was laid off due to lack of work. A telephone hearing was held on March 15, 2006. The parties were properly notified about the hearing. The claimant failed to participate in the hearing. Carmen Manning participated in the hearing on behalf of the employer.

FINDINGS OF FACT:

The employer is a staffing service that provides workers to client businesses on a temporary or indefinite basis. The claimant worked for the employer from February 1, 2005, to December 30, 2005, working out of the employer branch location in Clinton, Iowa. She had filed a new claim for unemployment insurance benefits with an effective date of November 27, 2005, after she was temporarily laid off work but afterward returned to work for the employer.

Effective January 1, 2006, People 2.0 Global Inc (Unemployment account 330412) transferred its business in Clinton, Iowa, to Allstar Staffing. Since that time, Allstar Staffing has operated the business independently. The claimant continued to work for Allstar Staffing effective January 1, 2006. There is no evidence that the parties have completed the steps necessary with Iowa Workforce Development to transfer the business for unemployment insurance purposes. The claimant filed an additional claim for benefits during the week of January 8, 2006. No notice of claim was sent to Allstar Staffing. People 2.0's protest was on the basis that the claimant was no longer employed by People 2.0.

REASONING AND CONCLUSIONS OF LAW:

The unemployment insurance law provides for a disqualification for claimants who voluntarily quit employment without good cause attributable to the employer or who are discharged for work-connected misconduct. Iowa Code Sections 96.5-1 and 96.5-2-a. The claimant's employment with the employer ended because the employer sold the business and had no further work for her. The separation from employment from People 2.0 was not under disqualifying conditions.

The rules provide that a claimant is qualified to receive benefits if she left a transferring employer and accepted work with the acquiring employer after that employer has acquired a clearly segregable part of the transferring employer's business. The rules further provide that the balancing account will be charged for benefits based on the wages paid by the transferring employer as long as the acquiring employer has not received a partial successorship. 871 IAC 24.26(28). There is no evidence that this has been investigated and determined yet. This issue is remanded to that Agency for a determination. If there has been a successorship, Allstar Staffing should be provided a notice of claim to allow them to protest the claim.

DECISION:

The unemployment insurance decision dated February 14, 2006, reference 03, is affirmed. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible. The issue of whether there was a partial successorship and how that affects charges to the employer's account is remanded to the Agency for an investigation and determination.

saw/kkf