

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RYAN K CRUMLY
Claimant

APPEAL NO. 11A-UI-15389-VS

**ADMINISTRATIVE LAW JUDGE
DECISION**

R J PERSONNEL INC
Employer

**OC: 11/21/10
Claimant: Appellant (5R)**

Section 96.19-18a – Definition of Employment
871 IAC 23.19 – Employer/Employee Relationship

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated November 23, 2011, reference 04, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on January 13, 2012, in Davenport, Iowa. Claimant participated. The employer participated by Holly Jacobi.

Prior to the start of the hearing, the name employer stated that the claimant has never been employed by R J Personnel Inc. (199949). The claimant's true employer was RJK Personnel (372350). The employer informed the representative at the fact-finding interview that the employer was not properly identified. This error was not corrected by the representative. The representative ruled that the claimant was not eligible for unemployment insurance benefits. The claimant then filed an appeal of that decision, which is the case that was scheduled for January 13, 2012, in Davenport, Iowa.

ISSUE:

Whether there has ever been an employer/employee relationship between the claimant and the employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witnesses and having considered all of the evidence in the record, makes the following findings of fact:

The claimant has never been employed by R J Personnel Inc. (199949). The claimant's employer is RJK Inc. (372350). The agency mistakenly identified R J Personnel Inc. as the claimant's employer in the reference 04 decision that is the subject of this appeal.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge cannot proceed with a hearing on the merits of the claimant's claim for unemployment insurance benefits because the claimant's employer has not been properly

identified and notified about the hearing. In order to correct this problem, it is necessary to remand this case back to the claims section to set up the claim with the proper employer – RJK Inc. (372350). In reviewing agency records, the administrative law noted that the claim with an original claim date of November 20, 2011, has been set up with the correct employer name and that a decision has been issued allowing the claimant benefits.

Nothing in this remand decision shall be construed as a decision on the merits of the claimant's claim for unemployment insurance benefits for the November 21, 2010, claim. The claimant and the employer retain their rights to appeal from any subsequent decision for an administrative law hearing.

DECISION:

The decision of the representative dated November 23, 2011, reference 04, is modified with no effect. This matter is remanded to the Claims Section to set this claim up with the correct name of the employer and do any further investigation as may be necessary. A representative's decision shall then be issued and both parties will retain their rights to appeal for administrative law judge hearing after the issuance of the representative's decision.

Vicki L. Seeck
Administrative Law Judge

Decision Dated and Mailed

vls/css