

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MICHAEL S OSHEL
Claimant

APPEAL NO. 10A-UI-06494-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

**MANPOWER INTERNATIONAL INC
MANPOWER TEMPORARY SERVICES**
Employer

**OC: 01/17/10
Claimant: Respondent (6-R)**

871 IAC 26.8(1) - Dismissal of Appeal/Decision

STATEMENT OF THE CASE:

The employer appealed a department representative's decision dated April 19, 2010, reference 05, that allowed claimant benefits on his March 2, 2010 separation from employment. A telephone hearing was scheduled for June 17, 2010. The claimant and employer did not participate.

ISSUE:

The issue is whether the appeal/decision should be dismissed.

FINDINGS OF FACT:

The administrative law judge, having considered the evidence in the record, finds that: The employer appeal is that claimant never worked for it. The department records show that a different employer, Manpower Inc of DM (er#026779) reported taxable wages paid to the claimant in the amount of \$847.00 for the first quarter of 2010. The employer in this matter reported no wages paid to the claimant.

The claimant and employer did not respond to the hearing notice.

REASONING AND CONCLUSIONS OF LAW:

871 IAC 26.8(1) provides:

- (1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned. Requests for withdrawal may be made in writing or orally, provided the oral request is tape-recorded by the presiding officer.

The administrative law judge has reviewed the records and files herein and concludes that the request of the employer to dismiss the appeal and vacate the department decision should be approved.

The department mis-identified the claimant's employer in this matter that caused notice of claim and fact-finding notices to be issued to the wrong employer. Since the claimant did not work for Manpower International Inc., but Manpower Inc of DM, the department decision is vacated, and this matter is remanded to claims for proper notification to the correct employer.

DECISION:

The decision of the representative dated April 19, 2010, reference 05, is vacated and set aside. The appeal is dismissed. This matter is remanded to claims to issue notice of claim to the correct employer in accordance with this decision.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/pjs