

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

WILLIE E FERGUSON
Claimant

APPEAL NO. 11A-UI-00088-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

SCHENKER LOGISTICS INC
Employer

OC: 10/17/10
Claimant: Respondent (2)

871 IAC 24.1(113)a – Separations From Employment

STATEMENT OF THE CASE:

Schenker Logistics (employer) appealed a representative's December 21, 2010 decision (reference 01) that concluded Willie Ferguson (claimant) was discharged and there was no evidence of willful or deliberate misconduct. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for February 10, 2011. The claimant did not provide a telephone number for the hearing and, therefore, did not participate. The employer participated by Nicki Brick, Human Resource Manager.

ISSUE:

The issue is whether the claimant was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant never worked for the employer. The representative's decision is amended and declared null and void.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant never worked for the employer.

The claimant's separation from employment is not an issue because he did not work for this employer. The decision dated December 21, 2010, reference 01, is hereby declared null and void.

DECISION:

The representative's December 21, 2010 decision (reference 01) is reversed. The decision is hereby declared null and void. There was no employment relationship between the claimant and employer.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/pjs