

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JONATHAN F SLADEK

Claimant

APPEAL 22A-UI-00586-JC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

EMPORIUM ENTERPRISES INC

Employer

OC: 10/03/21

Claimant: Respondent (2R)

Iowa Code § 96.8(5) – Liability of Certain Employers (Department Error)

Iowa Code § 96.19-18A(2) – Definition of Employment

STATEMENT OF THE CASE:

The employer/appellant filed an appeal from the November 17, 2021 (reference 02) Iowa Workforce Development (“IWD”) unemployment insurance decision that allowed benefits. The parties were properly notified about the hearing. A telephone hearing was conducted on January 27, 2022. The claimant/respondent, Jonathan F. Sladek, participated personally. The employer was represented by Robin Morris. Paul Morris attended as an observer. The administrative law judge took official notice of the administrative records. Claimant Exhibits A, B, and C were admitted. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUES:

Did the claimant work for this employer?

Can this employer be charged for benefits paid to the claimant?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The employer responded to IWD and indicated this was the wrong employer as claimant has never worked for this employer. Administrative records reflect claimant’s base period employers as follows:

EMPLOYER	ACCT-LOC
WATTS RENTALS LLC	538385-000
COFFEE EMPORIUM LLC	637684-000

This employer, Emporium Enterprises Inc., did business as “The Coffee Emporium”, (state account number: 314624) and sold its business on February 1, 2021 to Abby White. Under new ownership, the successor employer was renamed to be Coffee Emporium LLC (state account number 637684). Claimant worked only for the Coffee Emporium LLC, from May 1, 2021 until October 29, 2021.

The appeal was based upon the representative's decision finding this employer, Emporium Enterprises Inc., to be claimant's employer.

REASONING AND CONCLUSIONS OF LAW:

The Iowa Employment Security Law deals only with employment relationships. If the claimant is not an employee, the circumstances surrounding the severance of the business relationship with that company is immaterial to the claim for unemployment insurance benefits.

The undisputed evidence in this case is the claimant' never performed work for this employer. The administrative law judge has reviewed the records and files herein and concludes that the representative's decision shall be reversed without prejudice to either party.

The issue of claimant's separation from Coffee Emporium LLC (state account number 637684) is remanded to the Benefits Bureau for an initial investigation and decision.

DECISION:

The representative's initial decision dated November 17, 2021 (reference 02) is reversed without prejudice to either party. Claimant shall not be denied benefits based upon this decision and this employer, Emporium Enterprises Inc., shall not be responsible for benefit charges.

REMAND:

The issue of claimant's separation from Coffee Emporium LLC (state account number 637684) is remanded to the Benefits Bureau for an initial investigation and decision.



Jennifer L. Beckman
Administrative Law Judge
Unemployment Insurance Appeals Bureau
Iowa Workforce Development
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax 515-478-3528

February 16, 2022
Decision Dated and Mailed

jlb/kmj