

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

THIRIK MAJIK
Claimant

WELLS ENTERPRISES INC
Employer

APPEAL 21R-UI-06182-SN-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 07/26/20
Claimant: Appellant (2)

Iowa Code § 96.5(2)a – Discharge for Misconduct
Iowa Admin. Code r. 871-24.32(7) – Excessive Unexcused Absenteeism

STATEMENT OF THE CASE:

The claimant filed an appeal from the October 27, 2020, (reference 01) unemployment insurance decision that denied benefits based upon repeated tardiness. The parties were properly notified of the hearing. A telephone hearing was held on May 6, 2021. The claimant participated. The employer did not participate. The administrative law judge took official notice of the agency records.

ISSUE:

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:

This representative's decision used the wrong employer account number. The claimant did not ever work for this employer. Another representative found in favor of the employer with the correct name, Wei Sales, LLC, and account number, #538451. See, representative's decision dated November 9, 2020 (reference 02) decision. The claimant appealed this decision and was successful. See, Appeals Section decision 20A-UI-16023-DB-T dated February 16, 2021.

REASONING AND CONCLUSIONS OF LAW:

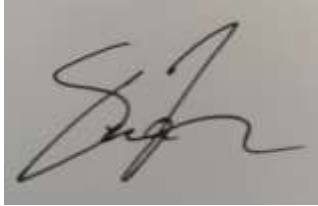
The administrative law judge has reviewed the records and files herein and concludes as follows:

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. As

such, the representative's decision shall be reversed without prejudice to either party as the claimant never worked for this employer.

DECISION:

The decision dated October 27, 2020, (reference 01) is reversed without prejudice to either party. The claimant shall not be denied benefits based upon this decision and this employer's account, #00121768, shall not be responsible for benefit charges. There is no need to remand for an initial determination because the matter has been adjudicated in 20A-UI-16023-DB-T.

A handwritten signature in black ink, appearing to read 'Sean M. Nelson', is written over a horizontal line.

Sean M. Nelson
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515) 725-9067

May 17, 2021
Decision Dated and Mailed

smn/ol