

**IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI**

**CRAIG A RARDIN
1033 – 5TH AVE SE
CEDAR RAPIDS IA 52403**

**TEAM STAFFING SOLUTIONS INC
116 HARRISON ST
MUSCATINE IA 52761**

**Appeal Number: 04A-UI-09445-DT
OC: 08/15/04 R: 03
Claimant: Appellant (1)**

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.6-2 - Prior Adjudication

STATEMENT OF THE CASE:

Craig A. Rardin (claimant) appealed a representative's September 1, 2004 decision (reference 01) that concluded he was not qualified to receive unemployment insurance benefits after a separation from employment Team Staffing Solutions, Inc. (employer). Hearing notices were mailed to the parties' last-known addresses of record for a telephone hearing to be held on September 16, 2004. The claimant participated in the hearing. Wendy Clang appeared on the employer's behalf. This appeal was consolidated for hearing with four related appeals, 04A-UI-09441-DT, 04A-UI-09443-DT, 04A-UI-09440-DT, and 04A-UI-09444-DT. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

FINDINGS OF FACT:

The claimant established a claim for unemployment insurance benefits effective May 25, 2003. An Agency representative issued a decision dated March 31, 2004 (reference 05). That decision concluded that the claimant was not eligible for benefits due to a disqualifying separation from employment on January 1, 2004.

The claimant established a new claim effective August 15, 2004. Another representative's decision was issued dated September 1, 2004 (reference 01), the subject of this appeal. That decision concluded that the March 31, 2004 (reference 05) decision controlled as far as the claimant's eligibility for unemployment insurance benefits. The March 31, 2004 (reference 05) has been affirmed in the concurrently issued decision in 04A-UI-09441-DT.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant is eligible for benefits in the benefit year that began August 15, 2004.

Iowa Code Section 96.6-2 provides in pertinent part:

The representative shall promptly examine the claim and any protest, take the initiative to ascertain relevant information concerning the claim, and, on the basis of the facts found by the representative, shall determine whether or not the claim is valid, the week with respect to which benefits shall commence, the weekly benefit amount payable and its maximum duration, and whether any disqualification shall be imposed. . . . Unless the claimant or other interested party, after notification or within ten calendar days after notification was mailed to the claimant's last known address, files an appeal from the decision, the decision is final and benefits shall be paid or denied in accordance with the decision.

The representative's decision issued on March 31, 2004 (reference 05) has been affirmed, and controls the claimant's eligibility in his new claim year.

DECISION:

The representative's September 1, 2004 decision (reference 01) is affirmed. As of January 1, 2004, benefits are withheld until such time as the claimant has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

ld/b