

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

DEBBIE L KEENER
Claimant

APPEAL 17A-UI-02138-JP-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

SPHERION STAFFING LLC
Employer

**OC: 11/20/16
Claimant: Respondent (4-R)**

Iowa Code § 96.5(1)j – Voluntary Quitting – Temporary Employment
Iowa Code § 96.3(7) – Recovery of Benefit Overpayment
Iowa Admin. Code r. 871-24.10 – Employer/Representative Participation Fact-finding Interview

STATEMENT OF THE CASE:

The employer filed an appeal from the February 14, 2017, (reference 03) unemployment insurance decision that allowed benefits. The parties were properly notified about the hearing. A telephone hearing was held on March 20, 2017. Claimant did not participate. Employer participated through third party unemployment hearing consultant Monica Dowling. Official notice was taken of the administrative record of the fact-finding documents, with no objection. Official notice was taken of the administrative record of claimant's wage history, with no objection.

ISSUES:

Did the claimant work for this business entity?

Did claimant quit by not reporting for additional work assignments within three business days of the end of the last assignment?

Has the claimant been overpaid unemployment insurance benefits, and if so, can the repayment of those benefits to the agency be waived?

Can charges to the employer's account be waived?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The employer (Spherion Staffing LLC, account number 367110-000) has a corporate office in Massachusetts. Ms. Dowling testified that claimant did not ever work for the employer (Spherion Staffing LLC, account number 367110-000). Ms. Dowling testified that claimant worked for a different company, Spherion Temp Agency, which is located at 4611 50th Street, Suite A, in Lubbock, Texas. The administrative record reflects that Heather Amons, who works for Spherion Temp Agency, participated in the fact-finding interview on behalf of Spherion Temp Agency.

The correct employer is Spherion Temp Agency, which is located at 4611 50th Street, Suite A, in Lubbock, Texas.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge has reviewed the records and files herein and concludes that the representative's decision shall be modified without prejudice to either party because claimant never worked for this business entity (Spherion Staffing LLC, account number 367110-000).

DECISION:

The February 14, 2017, (reference 03) unemployment insurance decision is modified without prejudice to either party as claimant never worked for this business entity (Spherion Staffing LLC, account number 367110-000).

REMAND: The fact-finding decision is remanded to the Benefits Bureau of Iowa Workforce Development to be associated with the proper employer (Spherion Temp Agency, located at 4611 50th Street, Suite A, in Lubbock, Texas) and reissued under that employer's account number/information.

Jeremy Peterson
Administrative Law Judge

Decision Dated and Mailed

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