

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

DARION TERRELL
Claimant

BEDDING GROUP
Employer

APPEAL 21A-UI-07936-JC-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 01/24/21
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 March 17, 2021 (reference 01) Iowa Workforce Development (“IWD”) unemployment insurance decision that allowed benefits. The parties were properly notified about the hearing. A telephone hearing was held on May 28, 2021. The claimant/respondent did not respond to the notice of hearing to furnish a phone number with the Appeals Bureau and did not participate in the hearing. The employer participated through Stacy Dixon, Riverside Staffing.

The administrative law judge took official notice of the administrative records. 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:

Claimant’s out of state wage records do not reflect any wages paid by this employer. Employer witness, Stacy Dixon, stated claimant worked at Bedding Group, on assignment for employer, Riverside Staffing from November 19, 2020 through January 27, 2021. Riverside Staffing is located at 2322 E. Kimberly Street, Suite 20 South, in Davenport, Iowa.

The appeal was based upon the representative’s decision finding this employer, Bedding Group, 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 Riverside Staffing is remanded to the Benefits Bureau for an initial investigation and decision.

DECISION:

The representative's initial decision dated March 17, 2021 (reference 01) is reversed without prejudice to either party. Claimant shall not be denied benefits based upon this decision and this employer, Bedding Group, shall not be responsible for benefit charges.

REMAND:

The issue of claimant's January 27, 2021 separation from Riverside Staffing is remanded to the Benefits Bureau for an initial investigation and decision.



Jennifer L. Beckman
Administrative Law Judge
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Iowa Workforce Development
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June 11, 2021
Decision Dated and Mailed

jlb/kmj