

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

TENA E SWANSON
Claimant

LK TWINS INC
Employer

APPEAL 17A-UI-01473-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 05/01/16
Claimant: Appellant (2)**

Iowa Admin. Code r. 871-23.19 – Employer/Employee Relationship

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the January 30, 2017 (reference 04) unemployment insurance decision that found claimant was not eligible for benefits due to a separation from LK Twins Inc. The parties were properly notified of the hearing. A telephone hearing was held on March 1, 2017. The claimant, Tena E. Swanson, participated personally. The employer, LK Twins Inc., participated through witness Jennifer Bahn. The administrative law judge took administrative notice of the claimant's unemployment insurance benefits records including the fact-finding documents.

ISSUE:

Did the claimant work for this employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The representative's decision the claimant appealed from dated January 30, 2017 (reference 04) denied benefits effective January 8, 2017 due to a discharge from employment from LK Twins Inc. The decision named LK Twins Inc. as claimant's employer. The parties agreed that claimant never worked for LK Twins Inc. Claimant did work for Framenshuh Hospitality.

In a representative's decision dated March 2, 2017 (reference 06 amending reference 04), the agency amended the decision by substituting the employer and found that claimant was discharged from employment by Framenshuh Hospitality on January 27, 2017. That March 2, 2017 (reference 06 amending reference 04) decision also found claimant was not eligible for benefits. This decision issued on March 2, 2017, gave claimant separate appeal rights with an appeal due date of March 12, 2017 should she wish to appeal that decision.

REASONING AND CONCLUSIONS OF LAW:

Inasmuch as the agency amended the January 30, 2017 (reference 04) decision to substitute a different employer, Framenshuh Hospitality, there is no separation issue for the administrative law judge to adjudicate because the claimant was never an employee of LK Twins Inc. The fact finder's decision dated January 30, 2017 (reference 04) shall be reversed without prejudice to

either party because the claimant never worked for the employer, LK Twins Inc. named on the reference 04 decision.

DECISION:

The January 30, 2017 (reference 04) representative's decision is reversed without prejudice to either party as the claimant never worked for this employer. Should claimant desire to appeal the representative's decision dated March 2, 2017 (reference 06 amending reference 04) she should do so in writing by the appeal date.

Dawn Boucher
Administrative Law Judge

Decision Dated and Mailed

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