

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

AMY JO M TRUEG
623 REBER AVE
WATERLOO IA 50701

ALLIED INTERSTATE INC
c/o SHEAKLEY UNISERVICE INC
PO BOX 1160
COLUMBUS OH 43216-1160

Appeal Number: 04A-UI-08103-DWT
OC: 04/18/04 R: 03
Claimant: Appellant (2)

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 are 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 96.3-5 – Business Closing

STATEMENT OF THE CASE:

Amy Jo M. Trueg (claimant) appealed a representative's July 21, 2004 decision (reference 02) that concluded she was eligible to receive benefits but Allied Interstate, Inc. (employer) had not closed its business. A telephone hearing was scheduled on August 23, 2004. On August 16, 2004, the Department issued a decision (reference 03) that amended the decision in reference 02. As a result of the amended decision the issue the claimant appealed had been resolved. Based on the administrative record 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 during the week of April 18, 2004. The claimant appealed a representative's July 21, 2004 decision that indicated the employer's business had not been permanently closed as of April 18, 2004. On August 16,

2004, another decision (reference 03) amended the July 21 decision and held the employer's business had permanently closed.

REASONING AND CONCLUSIONS OF LAW:

Wage credits for a claimant who is laid off because of a business closing will receive one-half of her wage credits instead of one-third of the wage credits earned during the base period. Iowa Code §96.3-5. Based on the August 16, 2004 decision (reference 03) the issue the claimant appealed was resolved and the claimant's benefits shall be based on a business closing calculation.

DECISION:

The representative's July 21, 2004 decision (reference 02) is modified by a representative's August 16, 2004 decision (reference 03) that concluded the employer's business had permanently closed. Therefore, the claimant's benefits shall be computed under the business closing provision.

dlw/kjf