

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

**CHERA L FOX**  
Claimant

**APPEAL NO: 13A-UI-09172-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**STAR RESTAURANTS INC**  
Employer

**OC: 07/28/13**  
**Claimant: Respondent (4)**

Iowa Code § 96.5(1)a – Voluntary Quit for Other Employment

**PROCEDURAL STATEMENT OF THE CASE:**

The employer appealed a representative's August 6, 2013 determination (reference 04) that held the claimant eligible to receive benefits and the employer's account subject to charge because the claimant was laid off for lack of work. The claimant did not respond to the hearing notice or participate in the hearing. Jeff Redding, the president, appeared on the employer's behalf. Based on the evidence, the employer's arguments, and the law, the administrative law judge concludes the employer's account will not be charged.

**ISSUE:**

Did the claimant voluntarily quit her employment for reasons that qualify her to receive benefits or did the employer discharge her for work-connected misconduct?

**FINDINGS OF FACT:**

The claimant started working as a part time cashier for the employer on October 12, 2012. The claimant worked around 20 hours a week. The employer sold the business, Hardees, to another entity, Northland Restaurant Group, on December 20, 2012. The claimant continued working for the new owner of the restaurant. As of September 12, 2013, the employer's unemployment insurance account for this business has not been transferred to the new owner.

**REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer, or the employer discharges her for reasons constituting work-connected misconduct. Iowa Code §§96.5(1), (2)a. Usually, the portion of the business the employer sells is transferred to the successor employer. Since this has not yet been done, this situation can be analyzed as the claimant quitting for other employment. Under this scenario, the claimant is not disqualified from receiving benefits and the employer's account will not be charged. Iowa Code § 96.5(1)a.

**DECISION:**

The representative's August 6, 2013 determination (reference 04) is modified in the employer's favor. Based on the reasons the claimant no longer works for the employer, she is qualified to receive benefits, provided she meets all other eligibility requirements. The employer's account will not be charged.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/pjs