

**IN THE IOWA ADMINISTRATIVE HEARINGS DIVISION  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**LILI ZHANG**  
Claimant

**APPEAL NO. 24A-UI-07304-JT-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**KINGLAND SYSTEMS CORP**  
Employer

**OC: 07/21/24  
Claimant: Appellant (1)**

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Iowa Code Section 96.3(5) – Duration of Benefits  
871 IAC 24.29 – Business Closing

**STATEMENT OF THE CASE:**

On August 15, 2024, Lili Zhang (claimant) filed a timely appeal from the August 7, 2024 (reference 02) decision. The reference 02 decision stated that Ms. Zhang's unemployment insurance benefit eligibility would not be redetermined as being based on a layoff pursuant to a business closing. IWD concluded that the employer's business did not close.

After due notice was issued, a hearing was held on September 4, 2024. Ms. Zhang participated. Rachel Donaldson, Human Resources Coordinator, represented the employer. Mandarin-English interpreter Farah (#16795) of CTS Language Link assisted with the hearing. Exhibits A and B were received into evidence. The administrative law judge took official notice of the following IWD administrative records: mylowaUI.org, and TN3270 DBRO, KCCO, WAGEA, NMRO and EMP1.

**ISSUE:**

Whether the claimant was laid off pursuant to a business closing within the meaning of the law.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds:

Lili Zhang (claimant) established an Iowa original claim for unemployment insurance benefits that was effective July 21, 2024. Ms. Zhang filed her claim for benefits in response to being laid off by Kingland Systems Corporation. Ms. Zhang began her employment with Kingland in 2012 and last performed work for the employer on May 22, 2024. Kingland employed Ms. Zhang as a Senior Human Resources Manager for the employer's facility in Dalian, Liaoning Province, China. From the start of the employment through December 2021, Ms. Zhang performed her work duties at the Dalian, China office. From January 2022 until the end of the employment, Ms. Zhang performed her work in Ames, Iowa, primarily from the employer's office at 2420 West Lincoln Way. Ms. Zhang also performed some of her work from her home in Ames. Kingland laid off Ms. Zhang in connection with its decision to cease operations at the Dalian, China location. Though Ms. Zhang last performed work for the employer on May 22, 2024, the

employer continued to pay Ms. Zhang through July 1, 2024. The employer continues to conduct business from the Ames business location where Ms. Zhang performed her work duties from January 2022 onward.

### REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.3(5)(a) provides:

a. Duration of benefits. The maximum total amount of benefits payable to an eligible individual during a benefit year shall not exceed the total of the wage credits accrued to the individual's account during the individual's base period, or sixteen times the individual's weekly benefit amount, whichever is the lesser. The director shall maintain a separate account for each individual who earns wages in insured work. The director shall compute wage credits for each individual by crediting the individual's account with one-third of the wages for insured work paid to the individual during the individual's base period. *However, the director shall recompute wage credits for an individual who is laid off due to the individual's employer going out of business at the factory, establishment, or other premises at which the individual was last employed*, by crediting the individual's account with one-half, instead of one-third, of the wages for insured work paid to the individual during the individual's base period. Benefits paid to an eligible individual shall be charged against the base period wage credits in the individual's account which have not been previously charged, in the inverse chronological order as the wages on which the wage credits are based were paid. However if the state "off" indicator is in effect and if the individual is *laid off due to the individual's employer going out of business at the factory, establishment, or other premises at which the individual was last employed*, the maximum benefits payable shall be extended to twenty-six times the individual's weekly benefit amount, but not to exceed the total of the wage credits accrued to the individual's account.

[Emphasis added.]

Iowa Admin. Code r. 871-24.29(2) provides:

(2) Going out of business means any factory, establishment, or other premises of an employer which closes its door and ceases to function as a business; however, an employer is not considered to have gone out of business at the factory, establishment, or other premises in any case in which the employer sells or otherwise transfers the business to another employer, and the successor employer continues to operate the business.

Ms. Zhang was laid off, but was not laid off due to a business closing within the meaning of the law. From January 2022 until May 2024, Ms. Zhang worked from the Kingland Systems Corporation office in Ames, Iowa. Though Ms. Zhang's duties centered on the employer's operations in Dalian, China, Ms. Zhang did not work from that location after December 2021. Though the employer ceased operations at the Dalian, China location, the employer did not cease operations at the Ames premises where Ms. Zhang actually performed her work duties from January 2022 onward. Ms. Zhang is not eligible for the enhanced benefit maximum amount (1/2 base period wages) or duration (26 weeks) associated with a layoff pursuant to a business closing. Ms. Zhang remains eligible for benefits within the normal maximums (16 weeks and 1/3 base period wages), provided she meets all other eligibility requirements.

**DECISION:**

The August 7, 2024 (reference 02) decision is AFFIRMED. The claimant's layoff was not pursuant to a business closing within the meaning of the law. The claimant is not eligible for a redetermination of her benefit eligibility. The claimant remains eligible for benefits within the normal maximums (16 weeks and 1/3 base period wages), provided she meets all other eligibility requirements.

A handwritten signature in black ink that reads "James E. Timberland". The signature is written in a cursive, flowing style.

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James E. Timberland  
Administrative Law Judge

September 5, 2024  
Decision Dated and Mailed

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**APPEAL RIGHTS.** If you disagree with the decision, you or any interested party may:

1. Appeal to the Employment Appeal Board within fifteen (15) days of the date under the judge's signature by submitting a written appeal via mail, fax, or online to:

**Employment Appeal Board  
6200 Park Ave  
Des Moines, Iowa 50321  
Fax: (515)281-7191  
Online: [eab.iowa.gov](http://eab.iowa.gov)**

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.

**AN APPEAL TO THE BOARD SHALL 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 is based.

An Employment Appeal Board decision is final agency action. If a party disagrees with the Employment Appeal Board decision, they may then file a petition for judicial review in district court.

2. If no one files an appeal of the judge's decision with the Employment Appeal Board within fifteen (15) days, the decision becomes final agency action, and you have the option to file a petition for judicial review in District Court within thirty (30) days after the decision becomes final. Additional information on how to file a petition can be found at Iowa Code §17A.19, which is online at <https://www.legis.iowa.gov/docs/code/17A.19.pdf>.

**Note to Parties:** YOU MAY REPRESENT yourself in the appeal or 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.

**Note to Claimant:** It is important that you file your weekly claim as directed, while this appeal is pending, to protect your continuing right to benefits.

**SERVICE INFORMATION:**

A true and correct copy of this decision was mailed to each of the parties listed.

**DERECHOS DE APELACIÓN.** Si no está de acuerdo con la decisión, usted o cualquier parte interesada puede:

1. Apelar a la Junta de Apelaciones de Empleo dentro de los quince (15) días de la fecha bajo la firma del juez presentando una apelación por escrito por correo, fax o en línea a:

**Employment Appeal Board  
6200 Park Ave  
Des Moines, Iowa 50321  
Fax: (515)281-7191  
Online: [eab.iowa.gov](http://eab.iowa.gov)**

El período de apelación se extenderá hasta el siguiente día hábil si el último día para apelar cae en fin de semana o día feriado legal.

**UNA APELACIÓN A LA JUNTA DEBE ESTABLECER CLARAMENTE:**

- 1) El nombre, dirección y número de seguro social del reclamante.
- 2) Una referencia a la decisión de la que se toma la apelación.
- 3) Que se interponga recurso de apelación contra tal decisión y se firme dicho recurso.
- 4) Los fundamentos en que se funda dicho recurso.

Una decisión de la Junta de Apelaciones de Empleo es una acción final de la agencia. Si una de las partes no está de acuerdo con la decisión de la Junta de Apelación de Empleo, puede presentar una petición de revisión judicial en el tribunal de distrito.

2. Si nadie presenta una apelación de la decisión del juez ante la Junta de Apelaciones Laborales dentro de los quince (15) días, la decisión se convierte en acción final de la agencia y usted tiene la opción de presentar una petición de revisión judicial en el Tribunal de Distrito dentro de los treinta (30) días después de que la decisión adquiriera firmeza. Puede encontrar información adicional sobre cómo presentar una petición en el Código de Iowa §17A.19, que está en línea en <https://www.legis.iowa.gov/docs/code/17A.19.pdf>.

**Nota para las partes:** USTED PUEDE REPRESENTARSE en la apelación u obtener un abogado u otra parte interesada para que lo haga, siempre que no haya gastos para Workforce Development. Si desea ser representado por un abogado, puede obtener los servicios de un abogado privado o uno cuyos servicios se paguen con fondos públicos.

**Nota para el reclamante:** es importante que presente su reclamo semanal según las instrucciones, mientras esta apelación está pendiente, para proteger su derecho continuo a los beneficios.

**SERVICIO DE INFORMACIÓN:**

Se envió por correo una copia fiel y correcta de esta decisión a cada una de las partes enumeradas.