

**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**

**HERMELINDA F VALENZUELA  
1520 ATOKAD DR #197  
SOUTH SIOUX CITY NE 68776**

**GERI CARE HOME HEALTH INC  
2452 TRANSIT AVE  
SIOUX CITY IA 51106-1447**

**Appeal Number: 04A-UI-03110-AT  
OC: 02-15-04 R: 01  
Claimant: Appellant (1)**

**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, 4<sup>th</sup> 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 is 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.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.3-5 – Business Closure

STATEMENT OF THE CASE:

Hermelinda F. Valenzuela filed a timely appeal from an unemployment insurance decision dated March 15, 2004, reference 03, which denied her request to recalculate her unemployment insurance benefits on the basis of the business closure provisions of the statute. After due notice was issued, a telephone hearing was held April 5, 2004 with Ms. Valenzuela participating. Her former employer, Geri Care Home Health, Inc., did not respond to the hearing notice.

FINDINGS OF FACT:

Having heard the testimony of the witness and having examined all of the evidence in the record, the administrative law judge finds: Geri Care Home Health, Inc. operated several different divisions of its business at 2452 Transit Avenue in Sioux City, Iowa. Ms. Valenzuela worked in a division that provided home healthcare to residents of the area. The employer discontinued that part of its operation. Other divisions remain in operation at that location.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence establishes that Ms. Valenzuela has become unemployed because her employer went out of business at the location where she last worked. It does not. The evidence establishes that Geri Care Home Health, Inc. remains in business at 2452 Transit Avenue. Only the portion of the business in which Ms. Valenzuela was employed closed down. Since the employer has not entirely ceased operations at the location, redetermination of benefits under the business closure provisions is not appropriate.

DECISION:

The unemployment insurance decision dated March 15, 2004, reference 03, is affirmed. While the claimant remains entitled to receive unemployment insurance benefits, provided she is otherwise eligible, she is not entitled to redetermination of her benefits pursuant to the business closure provisions of the statute.

tjc/b