

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

JEFFREY L KIPLING
Claimant

TALLVIEW INC
Employer

APPEAL NO. 20A-UI-01826-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 06/09/19
Claimant: Appellant (1)

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated February 19, 2020, reference 04, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on March 17, 2020. Claimant participated. Employer participated by John Tallman. Iowa Workforce Development Investigation and Recovery Unit was represented by Kasandra Ellenwood. Department Exhibits A-L were admitted into evidence.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant was the sole owner and officer of the corporation Kipco. Kipco's sole business was serving as a courier for Fed Ex. Claimant has had a contract with Fed Ex for many years. Claimant and Employer agreed to sell the account to Tallview on or around July 23, 2018. As a part of the agreement, claimant worked, unpaid, for two weeks after the transfer was completed.

After the two weeks were completed, claimant had no further involvement with the purchaser of the business.

Claimant stated that he did not send the information indicating the transfer of the business to IWD. Claimant additionally stated that he did not open mail that he received from IWD after the transfer of the business.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because he sold the business to another party. As claimant was an officer in the business, and chose to transfer the totally of the business to a successor, claimant is deemed to have chosen to quit his business and therefore is not eligible for the receipt of unemployment benefits.

DECISION:

The decision of the representative dated February 19, 2020, reference 04, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/scn