

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CHRISTINA REMPE ET AL
Claimant

APPEAL NO. 09A-UI-03792-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

PLEASANT HOTEL INC
HOWARD JOHNSON
c/o **WEST TOWN REALTY**
Employer

OC: 08/03/08
Claimant: Appellant (2)

Section 96.3-5 – Business Closure

STATEMENT OF THE CASE:

Christina L. Rempe and Teresa Thomson filed timely appeals from unemployment insurance decisions denying their request to have their unemployment insurance claims recomputed using the business closure provisions of the statute. After due notice was issued, a telephone hearing was held March 27, 2009 with both of the claimants participating. The employer, Pleasant Hotel, Inc. doing business as Howard Johnson, did not respond to the hearing notice.

ISSUE:

Did the claimants become unemployed as the result of a business closure?

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Christina Rempe and Teresa Thomson last worked at a Howard Johnson Motel in Burlington, Iowa on August 4, 2008. The business shut down after that date and has not reopened.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence establishes that the claimants became unemployed as the result of a business closure. It does. Iowa Code section 96.3-5 allows recalculation of an individual's unemployment insurance benefits if the individual became unemployed as the result of a business closure, not a transfer of ownership with continuity of operations. The evidence in this record is that these claimants became unemployed because their employer went out of business on August 4, 2008 and has not yet reopened under a new owner.

DECISION:

The unemployment insurance decision dated February 19, 2009, reference 01, is reversed. The claimant is entitled to a recalculation of her unemployment insurance benefits pursuant to the business closure provisions of the statute.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs