

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CORY R HAMMOND
Claimant

APPEAL NO. 10A-UI-08315-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

KEYSTONE HOSPITALITY III
Employer

OC: 08/02/09
Claimant: Respondent (1)

Section 96.5(2)a – Discharge for Misconduct

STATEMENT OF THE CASE:

Keystone Hospitality III filed an appeal from a representative's decision dated June 4, 2010, reference 03, which held that no disqualification would be imposed regarding Cory Hammond's May 1, 2010 separation from employment. After due notice was issued, a hearing was held by telephone on July 28, 2010. Mr. Hammond participated personally. The employer participated by Melissa Hinton, Cook.

ISSUE:

At issue in this matter is whether Mr. Hammond was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Hammond's last period of employment with Keystone Hospitality III began on January 4, 2010. He worked full-time as a cook. He became separated from the employment on April 28, 2010, when the restaurant closed. The restaurant's closing was the sole reason for the separation.

REASONING AND CONCLUSIONS OF LAW:

An individual who was discharged from employment is only disqualified from receiving job insurance benefits if the discharge was for misconduct. Iowa Code section 96.5(2)a. The employer had the burden of proving disqualifying misconduct. Cosper v. Iowa Department of Job Service, 321 N.W.2d 6 (Iowa 1982). Mr. Hammond was discharged solely because his services were no longer needed due to the business closing. Inasmuch as the separation was not due to any misconduct on his part, no disqualification is imposed.

DECISION:

The representative's decision dated June 4, 2010, reference 03, is hereby affirmed. Mr. Hammond was separated from employment with Keystone Hospitality III on April 28, 2010 for no disqualifying reason. Benefits are allowed, provided he is otherwise eligible.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/kjw