

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

RUSS C PRATHER  
902 W PEARL  
KNOXVILLE IA 50138

TWISTER CHASSIS INC  
8395 SE 26<sup>TH</sup> AVE  
RUNNELLS IA 50237

TWISTER CHASSIS LLC  
702 N JACKSON ST  
ROBINSON IL 62454

Appeal Number: 04A-UI-05673-AT  
OC: 04-04-04 R: 02  
Claimant: Appellant (2)

**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:

Russ C. Prather filed a timely appeal from an unemployment insurance decision dated May 13, 2004, reference 02, which denied his request for redetermination of his unemployment insurance claim based upon the business closure provisions of the statute. Due notice was issued for a telephone hearing to be held June 25, 2004. Because of a document submitted by Twister Chassis, LLC, identified for the record is Exhibit D-1, no additional evidence is necessary.

FINDINGS OF FACT:

Having examined all matters of record, the administrative law judge finds: Prior to filing his present unemployment insurance claim, Russ C. Prather was last employed by Twister Chassis, LLC in Knoxville, Iowa. That business is now permanently closed.

REASONING AND CONCLUSIONS OF LAW:

The question is whether it is appropriate to redetermine the claimant's benefits using the business closure provisions of the statute. It is.

Iowa Code Section 96.3-5 allows redetermination of a claimant's benefits if the claimant's last employer has gone out of business at the location where the claimant was employed. The evidence in this record establishes that those conditions have been met. Therefore, redetermination is appropriate.

DECISION:

The unemployment insurance decision dated May 13, 2004, reference 02, is reversed. The claimant's benefits shall be redetermined using the business closure provisions of the Employment Security Law.

tjc/b