

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ANNETTE L REMICK**  
Claimant

**APPEAL NO. 13A-UI-11130-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**BURLINGTON AREA HOMELESS SHELTER**  
Employer

**OC: 04/07/13**  
**Claimant: Appellant (1)**

Section 96.3-5 – Business Closing  
871 IAC 24.29(1) – Business Closing

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated September 27, 2013, reference 04, that concluded the claimant was ineligible for business-closing benefits. A telephone hearing was held on October 23, 2013. The parties were properly notified about the hearing. The claimant participated in the hearing. Charlotte Blodgett participated in the hearing on behalf of the employer. Exhibits A and B were admitted into evidence at the hearing.

**ISSUE:**

Is the claimant eligible for business-closing benefits in addition to regular unemployment insurance benefits?

**FINDINGS OF FACT:**

The claimant worked full time as an executive director for the employer from October 3, 2007, to March 28, 2013. The board of directors, the governing body for the employer, decided that there was not enough money coming in from donations to keep the shelter open. Members of the board of directors informed the claimant that they had decided to close the shelter for the time being and advised her to file for unemployment insurance benefits. The board of directors later recomposed, hired another person as executive director, and reopened the shelter in July 2013 at the same location. The claimant has not been offered employment in the reopened homeless shelter.

**REASONING AND CONCLUSIONS OF LAW:**

The issue in this case is whether the claimant was laid off due to a business closing.

Iowa unemployment insurance law provides additional benefits for claimants laid off due to their employer going out of business at the factory, establishment, or other premises at which they were last employed. Iowa Code § 96.3-5. The unemployment insurance rules further provide business-closing benefits to be paid retroactively to a claimant who is temporarily laid off with the expectation of returning to work and is prevented from returning to work because the

employer has gone out of business during the claimant's benefit year. 871 IAC 24.29(1). Finally, the rules define going out of business as any factory, establishment, or other premises of an employer that closes its doors and ceases to function as a business. 871 IAC 24.29(2)

The claimant was laid off, but because there was not a permanent closing of the employer's business and it reopened at the same location, she is not eligible for additional business-closing benefits beyond her regular benefits.

**DECISION:**

The unemployment insurance decision dated September 27, 2013, reference 04, is affirmed. The claimant is ineligible to have her claim redetermined as a layoff due to a business closing.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/css