

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KATHERINE J BENEDICT
Claimant

APPEAL NO: 11A-UI-05705-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

GARNER OIL INC
Employer

OC: 12/19/10
Claimant: Respondent (1)

Iowa Code § 96.5(2)a – Discharge

STATEMENT OF THE CASE:

The employer appealed a representative's April 22, 2011 determination (reference 02) that held the claimant qualified to receive benefits because her employment separation was for non disqualifying reasons. The claimant appeared for the hearing. The employer did not respond to the hearing notice or participate in the hearing. Based on the administrative record and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit her employment for reasons that do not qualify her to receive benefits or did the employer discharge her for work-connected misconduct?

FINDINGS OF FACT:

The claimant started working for the employer in October 2008. The employer sold the business on December 17, 2010. The new owner did not continue the claimant's employment.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits her employment without good cause attributable to the employer, or the employer discharges her for reasons constituting work-connected misconduct. Iowa Code §§ 96.5(1), (2).

The record establishes the claimant became unemployed when the employer sold the business and the new owner did not continue her employment. For unemployment insurance purposes, the claimant was laid off from work when the employer sold the business in mid-December 2010. Since the claimant did not quit and the employer did not discharge her for reasons constituting work-connected misconduct, the claimant is qualified to receive benefits as of December 19, 2010.

DECISION:

The representative's April 22, 2011 determination (reference 02) is affirmed. The claimant's employment ended for non disqualifying reasons. As of December 19, 2010, she is qualified to receive benefits, provided she meets all other eligibility requirements.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs