

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DORIS MCCLUN
Claimant

APPEAL NO: 13A-UI-05731-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

NORTHWEST DIRECT OF IOWA INC
Employer

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

Iowa Code § 96.3-5 - Business Closing

STATEMENT OF THE CASE:

Doris McClun (claimant) appealed an unemployment insurance decision dated May 15, 2013, reference 02, which denied her request to have her claim redetermined due to a business closing. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on June 20, 2013. The claimant participated in the hearing. The employer did not comply with the hearing notice instructions and did not call in to provide a telephone number at which a representative could be contacted, and therefore, did not participate.

ISSUE:

The issue is whether the claimant became unemployed as a result of her employer going out of business?

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on February 22, 2012 as a part-time telephone sales representative and she worked in the Dyersville office. The employer closed that office and allowed the employees to continue working from their homes. The claimant wanted to continue working 15 hours per week but the employer said that was not feasible and said she had to work 40 hours. She quit on March 6, 2013 due to a change in the contract of hire and was awarded unemployment insurance benefits.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether the claimant became unemployed as a result of her employer going out of business. An employer goes out of business when it closes its door and ceases to function as a business. See 871 IAC 24.29(2). In the case herein, the employer continues to operate as a business and continuing work was available for the claimant had she wanted to work full-time. She was not laid off but quit due to a change in the contract of hire. The claimant's unemployment insurance claim should not be recalculated based upon a business closing.

DECISION:

The unemployment insurance decision dated May 15, 2013, reference 02, is affirmed. The claimant is not unemployed as a result of her employer going out of business. Her claim should not be recalculated based on a business that has permanently closed its doors.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/css