

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

**TAMRA A SUMMY**  
Claimant

**APPEAL NO. 18A-UI-08524-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**RANDSTAD US LLC**  
Employer

**OC: 07/01/18**  
**Claimant: Appellant (1)**

Iowa Code Section 96.3(5) – Duration of Benefits  
Iowa Administrative Code rule 871-24.29 – Business Closing

**STATEMENT OF THE CASE:**

Tamra Summy filed a timely appeal from the August 2, 2018, reference 03, decision that denied her request to have her benefit eligibility redetermined as being based on a layoff pursuant to a business closing. After due notice was issued, a hearing was held on August 31, 2018. Ms. Summy participated. The employer did not respond to the hearing notice instructions to register a telephone number for the hearing and did not participate. Exhibit A was received into evidence.

**ISSUE:**

Whether the claimant was laid off pursuant to a business closing.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Tamra Summy was recently employed by Randstad U.S. L.L.C., a temporary employment agency. The Randstad office that provided work to Ms. Summy continues to operate in the same location in the Des Moines metropolitan area. On August 20, 2018, Ms. Summy completed a six-month temporary work assignment at Maximus Iowa Medicaid Enterprises. During the period June 26-29, 2018, Ms. Summy was temporarily laid off from the assignment due to flooding of the Maximus facility. Randstad notified Ms. Summy of the temporary layoff. Ms. Summy returned to the assignment on July 2.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code § 96.3(5)a provides:

- a. Duration of benefits. The maximum total amount of benefits payable to an eligible individual during a benefit year shall not exceed the total of the wage credits accrued to the individual's account during the individual's base period, or twenty-six times the individual's weekly benefit amount, whichever is the lesser. The director shall maintain a separate account for each individual who earns wages in insured work. The director

shall compute wage credits for each individual by crediting the individual's account with one-third of the wages for insured work paid to the individual during the individual's base period. However, the director shall recompute wage credits for an individual who is laid off due to the individual's employer going out of business at the factory, establishment, or other premises at which the individual was last employed, by crediting the individual's account with one-half, instead of one-third, of the wages for insured work paid to the individual during the individual's base period. Benefits paid to an eligible individual shall be charged against the base period wage credits in the individual's account which have not been previously charged, in the inverse chronological order as the wages on which the wage credits are based were paid. However if the state "off" indicator is in effect and if the individual is laid off due to the individual's employer going out of business at the factory, establishment, or other premises at which the individual was last employed, the maximum benefits payable shall be extended to thirty-nine times the individual's weekly benefit amount, but not to exceed the total of the wage credits accrued to the individual's account.

Iowa Admin. Code r. 871-24.29(2) provides:

(2) Going out of business means any factory, establishment, or other premises of an employer which closes its door and ceases to function as a business; however, an employer is not considered to have gone out of business at the factory, establishment, or other premises in any case in which the employer sells or otherwise transfers the business to another employer, and the successor employer continues to operate the business.

Ms. Summy was not laid off pursuant to a business closing within the meaning of the law. Randstad US is the relevant employer. The Randstad office did not close at any time and continues to operate at the same location. Randstad's client, Maximus, closed temporarily, but then reopened and continued to operate. Ms. Summy is not eligible to have her benefit eligibility redetermined as being based on a layoff pursuant to a business closing.

**DECISION:**

The August 2, 2018, reference 03, decision is affirmed. The claimant was not laid off pursuant to a permanent business closing. The claimant is not eligible to have her benefit eligibility redetermined as being based on a layoff pursuant to a business closing. The request to redetermine eligibility is denied.

---

James E. Timberland  
Administrative Law Judge

---

Decision Dated and Mailed

jet/rvs