

**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**

**CYNTHIA A MCCLENTHEN  
831 HICKORY ST  
HAMILTON IL 62341**

**APAC CUSTOMER SERVICE INC  
PO BOX 41  
DEERFIELD IL 60015**

**Appeal Number: 06A-UI-03187-AT  
OC: 10/02/05 R: 04  
Claimant: Appellant (1)**

**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  
871 IAC 24.29(2) – Definition of Business Closure

STATEMENT OF THE CASE:

Cynthia A. McClethen filed a timely appeal from an unemployment insurance decision dated March 9, 2006, reference 02, which denied her request to redetermine her claim as being the result of a business closure. After due notice was issued, a telephone hearing was held on April 5, 2006, with Ms. McClethen participating. Her former employer, APAC Customer Services, Inc., did not respond to the hearing notice.

FINDINGS OF FACT:

Having heard the testimony of the witness and having examined all of the evidence in the record, the administrative law judge finds: Cynthia A. McClenthen last worked for APAC Customer Service, Inc., on North 30th Street in Quincy, Illinois. She was laid off from her work on September 28, 2005. APAC sold its business at that location to Influent, Inc. Influent continues to operate at that location.

REASONING AND CONCLUSIONS OF LAW:

The question is whether Ms. McClenthen is entitled to redetermination of her claim under the business closure provisions of the statute. She is not.

The term business closure is not defined in the statute. It is, however, defined in 871 IAC 24.29(2). It reads in pertinent part, "however, an employer is not considered to have gone out of business if 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." The evidence in this record persuades the administrative law judge that APAC transferred the business at the location where Ms. McClenthen last worked to another entity which continues to operate. Under these circumstances, redetermination of Ms. McClenthen's claim using the business closure provisions of the statute is not appropriate.

DECISION:

The unemployment insurance decision dated March 9, 2006, reference 02, is affirmed. The claimant is not entitled to a redetermination of her claim under the business closure provisions of the statute.

cs/tjc