

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

ALLENE E LANSER
511 N B ST
OSKALOOSA IA 52577

PLEASANT PARK ESTATES INC
C/o CLARICE WRIGHT
2089 - 270TH ST
OSKALOOSA IA 52577

Appeal Number: 06A-UI-05496-AT
OC: 01-08-06 R: 03
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, 4th 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.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.3-5 – Business Closures
871 IAC 24.29(1) – Subsequent Employment

STATEMENT OF THE CASE:

Allene E. Lanser filed a timely appeal from an unemployment insurance decision dated May 15, 2006, reference 03, which denied her request to have her unemployment insurance claim redetermined on the basis of the business closure provisions of the law. After due notice was issued, a telephone hearing was held June 8, 2006 with Ms. Lanser participating and presenting additional testimony by Debra Hynick. Her former employer, Pleasant Park Estates, Inc., did not participate in the hearing.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Allene E. Lanser's employment with Pleasant Park Estates, Inc., ended in a discharge on October 9, 2005. Ms. Lanser filed a claim for unemployment insurance benefits effective January 8, 2006. In November 2005 Ms. Lanser began working for Maple Ridge. She was still working for that employer on the date of the hearing.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence establishes that the claimant is entitled to having her unemployment insurance benefits computed using the business closure provisions of the statute. It does not.

Iowa Code section 96.3-5 limits the business closure computation of benefits to those claimants whose most recent had gone out of business at the premises where the individual last performed services. A rule found that 871 IAC 24.29(1) provides relief to individuals who take temporary employment for up to four weeks before filing the claim for unemployment insurance benefits. Ms. Lanser, however, worked for Maple Ridge for approximately two months before filing her claim for benefits in January 2006. She is not entitled to recomputation of her benefits using the business closure computation because of the length of her subsequent employment.

DECISION:

The unemployment insurance decision dated May 15, 2006, reference 03, is affirmed. While the claimant is entitled to receive unemployment insurance benefits, provided she is otherwise eligible, she is not entitled to recomputation of her benefits using the business closure provisions of the statute.

kkf/pjs