

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

OSMAN SPAHIC
Claimant

APPEAL NO. 09A-UI-17510-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MONARCH MATERIALS GROUP
Employer

OC: 07/26/09
Claimant: Respondent (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Employer filed an appeal from a decision of a representative dated June 18, 2009, reference 00, which held claimant eligible for unemployment insurance benefits. No fact finding hearing was held or ANDS decision was issued in this case. After due notice, a telephone conference hearing was scheduled for and held on January 7, 2010. Claimant participated. Employer participated by Dave Albers, Controller. Exhibit Three was admitted into evidence.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on December 11, 2008. Claimant was laid off due to the business going into chapter seven bankruptcy and a sale of the assets.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge holds that the evidence has established that claimant was laid off for good cause attributable to employer when employer terminated the employment relationship because it went into bankruptcy and sold its assets to another company. Benefits allowed.

Iowa Code section 96.5-1 provides:

An individual shall be disqualified for benefits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

DECISION:

The decision of the representative dated June 18, 2009, reference 00, is affirmed and benefits granted with respect to the separation of employment issue. The Unemployment Insurance Appeals Bureau has no jurisdiction to modify or reverse the transfer of account experience ordered June 18, 2009. The liability for benefits here is hinged on that June 18, 2009 decision. Unemployment insurance benefits are allowed, provided claimant is otherwise eligible. Employer's account is charged for benefits until such time as the June 18, 2009 decision is reversed or modified by the presiding agency.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/pjs