

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CHRISTINA S O'TOOLE
Claimant

APPEAL NO: 14A-UI-06736-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CDI CORPORATION
Employer

OC: 04/27/14
Claimant: Appellant (2/R)

Iowa Code § 96.3(5) – Business Closing

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's June 20, 2014 determination (reference 01) that denied her request to have her claim be re-determined as a business closing. The claimant participated at the July 22 hearing. The employer did not respond to the hearing notice or participate at the hearing. Based on the evidence, the claimant's arguments, and the law, the administrative law judge grants the claimant's request to re-determine her claim as a business closing.

ISSUE:

Should the claimant's request to re-determine her claim as a business closing be granted or denied?

FINDINGS OF FACT:

The claimant started working for the employer in January 2010. She worked at the employer's Bettendorf location until the employer closed this office on April 30, 2014. The employer did not close its business, but it did close the Bettendorf office. The employer's corporate office is in West Virginia.

The claimant established a claim for benefits during the week of April 27, 2014. The employer's human resource manager verified the claimant's employment ended as a result of a location closure. The claimant requested that her claim be re-determined as a business closing.

REASONING AND CONCLUSIONS OF LAW:

When a claimant has been laid off as the result of a business closing or the employer goes out of business, the individual's account shall be credited with one-half instead of one-third of the wages in his base period. Iowa Code § 96.3(5). 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. 871 IAC 24.29(2).

The facts establish the employer closed its Bettendorf location on April 30, 2014. For unemployment insurance purposes, the claimant was laid off because the employer closed the Bettendorf office. The claimant's request to have her claim re-determined as a business closing is granted.

This matter will be remanded to the Benefits Bureau to re-determine her claim as a business closing.

DECISION:

The representative's June 20, 2014 determination (reference 01) is reversed. The claimant was laid off because the employer closed its Bettendorf office. The claimant's request to have her claim re-determined as a business closing is granted.

This matter is **Remanded** to the Benefits Bureau to re-determine this claim as a business closing.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css