

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KARLA K REIDY
Claimant

APPEAL NO. 11A-UI-05199-PT

**ADMINISTRATIVE LAW JUDGE
DECISION**

RELIABLE DATA SERVICE INC
Employer

OC: 11/01/09
Claimant: Appellant (1)

Section 96.3-5 – Business Closing

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated April 12, 2011, reference 02, which held claimant ineligible for business closing benefits. After due notice, a telephone conference hearing was scheduled for May 12, 2011. Claimant and employer failed to respond to the hearing notice and did not participate.

ISSUE:

The issue in this matter is whether claimant is entitled to business closing benefits.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and having considered all of the evidence in the record, finds: There is no evidence in the record regarding whether claimant was laid off due to a business closing.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code Section 96.3-5 provides:

5. 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.

There is no evidence in this record upon which a determination can be made that claimant is entitled to business closing benefits.

DECISION:

The decision of the representative dated April 12, 2011, reference 02, is affirmed. Claimant is not eligible to receive business closing benefits.

Ron Pohlman
Administrative Law Judge

Decision Dated and Mailed

rrp/kjw