

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MICHAL J GOSSMAN
Claimant

APPEAL NO. 09A-UI-15165-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SHAMROCK HOLDINGS LLC
Employer

**Original Claim: 07/12/09
Claimant: Respondent (1)**

Section 96.5 – Disqualifying Separation from Employment

STATEMENT OF THE CASE:

The employer filed a timely appeal from an unemployment insurance decision dated October 5, 2009, reference 02, that allowed benefits to the claimant. Due notice was issued for a telephone hearing to be held October 22, 2009. At the time of the hearing, the employer and the claimant entered into a stipulation.

ISSUE:

Was the claimant's separation from employment with this employer a disqualifying event?

FINDINGS OF FACT:

Having examined all matters of record, the administrative law judge finds: The claimant's separation from employment with Shamrock Holdings, LLC occurred on July 10, 2009, because the property at which the claimant had been employed was sold to a different company. Shamrock Holdings is a management company through whom the claimant had been employed when the previous owner operated the property.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the separation from employment with Shamrock Holdings, LLC was a disqualifying event. It was not.

Upon separation from employment, a claimant may be disqualified for benefits if, and only if, the separation was a discharge for misconduct in connection the employment or a voluntary quit without good cause attributable to the employer. See Iowa Code section 96.5-2-a and 96.5-1 respectively. The claimant's separation from employment with Shamrock Holdings, LLC occurred for circumstances not involving a quit or a discharge. No disqualification may be imposed.

DECISION:

The unemployment insurance decision dated October 5, 2009, reference 02, is affirmed. The claimant is entitled to receive unemployment insurance benefits, provided all other eligibility requirements are met.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw