

**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**

**ROSALINA URQUIZA
2732 E 53RD ST #1
DAVENPORT IA 52807**

**QUALITY DRY CLEANING INC
2128 ST DAVID DR
BETTENDORF IA 52722-3979**

**Appeal Number: 05A-UI-11061-CT
OC: 08/07/05 R: 04
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) – Duration of Benefits/Business Closing

STATEMENT OF THE CASE:

Rosalina Urquiza filed an appeal from a representative's decision dated October 17, 2005, reference 02, which held she was not unemployed due to a business closing. After due notice was issued, a hearing was held by telephone on November 14, 2005. Ms. Urquiza participated personally. The employer did not respond to the notice of hearing.

FINDINGS OF FACT:

Having heard the testimony of the witness and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Urquiza was employed by Quality Dry Cleaning, Inc. from March of 2003 until August 24, 2005. She worked at the location on Devil's Glen

Road in Bettendorf, Iowa. On or about August 25, 2005, the business was sold to Burke Cleaners, Inc. The new owners continued to operate the business as a dry cleaning establishment at the same location. Except for a name change, the only other change was that cleaning was no longer being processed at that location. However, the site remained open to the public to bring in and pick up cleaning.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Ms. Urquiza is unemployed due to a business closing within the meaning of Iowa Code section 96.3(5). An employer is not considered to have gone out of business if the business is sold or transferred to another employer and the new employer continues to operate the business. 871 IAC 24.29(2). In the case at hand, Quality Dry Cleaning sold the business where Ms. Urquiza worked to Burke Cleaners, Inc. and continued to operate it as a dry cleaners at the same location. Under the law, the situation does not present a business closing. Accordingly, Ms. Urquiza is not entitled to have her claim re-determined as a business closing.

DECISION:

The representative's decision dated October 17, 2005, reference 02, is hereby affirmed. Ms. Urquiza is not unemployed due to a business closing within the meaning of the law.

cfc/s