

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

---

**CHRISTOPHER P LIND**  
Claimant

**HTB INVESTMENTS INC**  
Employer

**APPEAL NO. 14A-UI-10400-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 07/27/14**  
**Claimant: Appellant (1)**

---

Section 96.3-5 – Business Closing  
871 IAC 24.29(1) – Business Closing

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated September 24, 2014, reference 01, that concluded the claimant was ineligible for business-closing benefits. A telephone hearing was held on October 23, 2014. The parties were properly notified about the hearing. The claimant participated in the hearing. No one participated in the hearing on behalf of the employer.

**ISSUE:**

Is the claimant eligible for business-closing benefits in addition to regular unemployment insurance benefits?

**FINDINGS OF FACT:**

The claimant worked as a bartender and maintenance worker for the employer from September 10, 2013, to July 21, 2014. On July 21, 2014, the owners of the restaurant and lounge sold the business to a new owner. The new owners hired someone else for the bartender position so the claimant was laid off. The new owner continues to operate the business.

**REASONING AND CONCLUSIONS OF LAW:**

The issue in this case is whether the claimant was laid off due to a business closing.

Iowa unemployment insurance law provides additional benefits for claimants laid off due to their employer going out of business at the factory, establishment, or other premises at which they were last employed. Iowa Code § 96.3-5. The rules define going out of business as any factory, establishment, or other premises of an employer that closes its doors and ceases to function as a business. An employer is not considered to have gone out of business at the factory, establishment, or other premises if the employer sells or otherwise transfers the business to another employer and the successor employer continues to operate the business. 871 IAC 24.29(2).

In this case, the business is not considered closed because the employer sold or otherwise transferred the business to another employer and the successor employer continues to operate the business.

**DECISION:**

The unemployment insurance decision dated September 24, 2014, reference 01, is affirmed. The claimant is not entitled to have his claim redetermined as a layoff due to a business closing.

---

Steven A. Wise  
Administrative Law Judge

---

Decision Dated and Mailed

saw/pjs