

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RUTH M HART
Claimant

APPEAL NO. 09A-UI-10414-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

LONGBRANCH INC
Employer

OC: 06/07/09
Claimant: Respondent (1-R)

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The employer, Longbranch, filed an appeal from a decision dated July 17, 2009, reference 01. The decision allowed benefits to the claimant, Ruth Hart. After due notice was issued, a hearing was held by telephone conference call on August 6, 2009. The claimant participated on her own behalf. The employer participated by Chief Financial Officer Douglas DeLong.

ISSUE:

The issue is whether the claimant quit work with good cause attributable to the employer.

FINDINGS OF FACT:

Ruth Hart was employed by Longbranch from September 1, 2006 until June 12, 2008 as a full-time assistant manager/supervisor at the Cooper's Mill Restaurant portion of the business. In June 2008 the business was closed due to the flooding which occurred in Cedar Rapids, Iowa, and has not yet reopened.

Although the claimant's base period wages included earnings from this employer, Longbranch argues it should not be charged due to the fact the business was closed and the area declared a natural disaster, and therefore federal funds should be used. No determination has been made on whether this employer's account is chargeable under these circumstances.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5-1 provides:

An individual shall be disqualified for benefits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

The claimant was laid off due to the business closing as a result of the flooding. This is not a voluntary separation and disqualification may not be imposed.

DECISION:

The representative's decision of July 17, 2009, reference 01, is affirmed. Ruth Hart is qualified for benefits, provided she is otherwise eligible.

The issue of whether the employer's account should be charged with benefits paid to the claimant is remanded to the UIS division for determination.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/css