

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LAURIE J CONLON
Claimant

APPEAL NO: 12A-UI-07557-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

RESULTS CUSTOMER SOLUTIONS LLC
Employer

OC: 04/29/12

Claimant: Appellant (2)

Section 96.3-5 – Benefit Calculation Related to Business Closure

STATEMENT OF THE CASE:

Laurie J. Conlon (claimant) appealed a representative's June 20, 2012 decision (reference 03) that concluded she was not qualified to receive unemployment insurance benefits that were based on a recalculation of as a separation due to a business closure. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on July 17, 2012. The claimant participated in the hearing. The employer's representative received the hearing notice and responded by sending a statement to the Appeals Section indicating that the employer was not going to participate in the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Is the claimant eligible for benefits calculated on the basis of a business closing?

FINDINGS OF FACT:

The claimant started working for the employer on or about October 15, 2003. She worked part time (25 – 30 hours per week) as a telephone sales representative in the employer's Spencer, Iowa call center. Her last day of work was on or about April 30, 2012. She was laid off at that time because the employer closed its operation. After April 30 only a few employees remained working for the employer at that location, and those persons only worked a few weeks until the business location was emptied and equipment was removed. The business location is now closed.

REASONING AND CONCLUSIONS OF LAW:

Normally, the maximum total amount of benefits payable to an eligible individual during a benefit year is the lesser of twenty-six times the individual's weekly benefit amount or the total of the claimant's base period wage credits. However, under usual circumstances, if the claimant is laid off due to the claimant's employer going out of business at the factory, establishment, or other premises at which the claimant was last employed, the maximum benefits payable are

extended to the lesser of thirty-nine times the claimant weekly benefit amount or the total of the claimant's wage credits. Iowa Code §96.3-5.

871 IAC 24.29(2) provides:

(2) Going out of business means any factory, establishment, or other premises of an employer which closes its door and ceases to function as a business; however, an employer is not considered to have gone out of business at the factory, establishment, or other premises in any case in which the employer sells or otherwise transfers the business to another employer, and the successor employer continues to operate the business.

The claimant was laid off due to the closure of the employer's business. Therefore, claimant is entitled to a recalculation of benefits.

DECISION:

The representative's June 20, 2012, reference 03, decision is reversed. The claimant was laid off due to a business closure. Recalculation of benefits is allowed.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/pjs