

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CHARLOTTE ROBINSON**  
Claimant

**APPEAL NO: 16A-UI-07795-JE-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**HAYES ENTERPRISE 129 CORP**  
Employer

**OC: 06/19/16**  
**Claimant: Respondent (1-R)**

Section 96 5-1 – Voluntary Leaving – Layoff  
Section 96.4-3 – Able and Available for Work

**STATEMENT OF THE CASE:**

The employer filed a timely appeal from the July 8, 2016, reference 02, decision that allowed benefits to the claimant. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on August 3, 2016. The claimant participated in the hearing with the new owner of the business, Julio Ceuninck. Cheryl Hayes, Owner, participated in the hearing on behalf of the employer.

**ISSUE:**

The issue is whether the claimant was laid off.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time store manager for Hayes Enterprise 129 Corp from February 2014 to September 27, 2015. The employer sold the store to Julio Ceuninck September 27, 2015. Mr. Ceuninck, whose company name is Nemur LLC, hired all of the individuals working in the store at that time and continued doing business under the same name until forced to close the business effective June 17, 2016.

There are issues regarding the claimant's separation from Nemur LLC, Mr. Ceuninck's company, that have not yet been heard or adjudicated by the Claims Section of Iowa Workforce Development.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant was laid off due to a lack of work.

Iowa Code § 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.

When one owner sells a business to another, and the new owner continues the employment of the employees of the store, and there is a subsequent separation from employment from the successor employer, the earlier change in employers is deemed to be a separation due to a lack of work for the purposes of unemployment insurance law.

In this case, the employer, Ms. Hayes, sold the business to Mr. Ceuninck September 27, 2015, and he continued to employ the claimant until June 17, 2016, when the business closed. Therefore, the claimant's separation from employment with Ms. Hayes' company, Hayes Enterprise 129 Corp, was attributable to a lack of work by the employer. Benefits are allowed.

The issue of the claimant's separation from the successor employer, Nemur LLC., is remanded to the Claims Section for an initial determination and adjudication.

**DECISION:**

The July 8, 2016, reference 02, decision is affirmed. The claimant was laid off due to a lack of work. Benefits are allowed, provided the claimant is otherwise eligible. The issue of the claimant's separation from Nemur LLC is remanded to the Claims Section for an initial determination and adjudication.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

je/pjs