

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

JANET L HOLLAND
Claimant

ACT INC
Employer

APPEAL NO. 14A-UI-05024-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/13/14
Claimant: Respondent (2)

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

STATEMENT OF THE CASE:

The employer appealed an unemployment insurance decision dated May 6, 2014, reference 01, that concluded the claimant was eligible for business-closing benefits. A telephone hearing was held on June 3, 2014. The parties were properly notified about the hearing. The claimant participated in the hearing. Deb Schreiber 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 program coordinator for the employer from January 9, 2007, to April 1, 2014. The employer's business campus consists of several buildings located at or near 500 ACT Drive, Iowa City, Iowa.

On April 1, 2014, the claimant was laid off due to lack of work when the department where she was working was discontinued due to the loss of contracts. The claimant worked in a building on the employer's business campus. The employer has not closed its business, and employees continue to work in the building where the claimant was working.

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. 871 IAC 24.29(2)

The employer never closed its doors and ceased operating as a business. There are employees working in the same building where the claimant worked.

DECISION:

The unemployment insurance decision dated May 6, 2014, reference 01, is reversed. The claimant is not entitled to have her claim redetermined as a layoff due to a business closing.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/css