

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**KAY A WARD**

Claimant

**APPEAL NO. 13A-UI-10560-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MEDIACOM COMMUNICATIONS**

Employer

**OC: 08/04/13**

**Claimant: Appellant (1)**

Section 96.3(5) – Business Closing

**STATEMENT OF THE CASE:**

The claimant, Kay Ward, filed an appeal from a decision dated September 13, 2013, reference 01. The decision denied the claimant's request for a redetermination of benefits based on a business closing. After due notice was issued a hearing was held by telephone conference call on October 9, 2013. The claimant participated on her own behalf. The employer, Mediacom, did not provide a telephone number where a witness could be contacted and did not participate.

**ISSUE:**

The issue is whether the claim may be redetermined as a business permanently closed.

**FINDINGS OF FACT:**

Kay Ward was employed by Mediacom from December 14, 1981 until August 2, 2013 as a full-time dispatcher. She worked at 4010 Alexandra Drive, Waterloo, Iowa. The company reorganized and moved the dispatch to a regional location and closed the local office. The location where Ms. Ward worked remains open for front counter workers, maintenance and technicians.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code Section 96.3-5 provides:

5. Duration of benefits. The maximum total amount of benefits payable to an eligible individual during a benefit year shall not exceed the total of the wage credits accrued to the individual's account during the individual's base period, or twenty-six times the individual's weekly benefit amount, whichever is the lesser. The director shall maintain a separate account for each individual who earns wages in insured work. The director shall compute wage credits for each individual by crediting the individual's account with one-third of the wages for insured work paid to the individual during the individual's base period. However, the director shall recompute wage credits for an individual who is laid off due to the individual's employer going out of business at the factory, establishment,

or other premises at which the individual was last employed, by crediting the individual's account with one-half, instead of one-third, of the wages for insured work paid to the individual during the individual's base period. Benefits paid to an eligible individual shall be charged against the base period wage credits in the individual's account which have not been previously charged, in the inverse chronological order as the wages on which the wage credits are based were paid. However if the state "off indicator" is in effect and if the individual is laid off due to the individual's employer going out of business at the factory, establishment, or other premises at which the individual was last employed, the maximum benefits payable shall be extended to thirty-nine times the individual's weekly benefit amount, but not to exceed the total of the wage credits accrued to the individual's account.

871 IAC 24.29(1) provides:

Business closing.

(1) Whenever an employer at a factory, establishment, or other premises goes out of business at which the individual was last employed and is laid off, the individual's account is credited with one-half, instead of one-third, of the wages for insured work paid to the individual during the individual's base period. This rule also applies retroactively for monetary redetermination purposes during the current benefit year of the individual who is temporarily laid off with the expectation of returning to work once the temporary or seasonal factors have been eliminated and is prevented from returning to work because of the going out of business of the employer within the same benefit year of the individual. This rule also applies to an individual who works in temporary employment between the layoff from the business closing employer and the Claim for Benefits. For the purposes of this rule, temporary employment means employment of a duration not to exceed four weeks.

The company did not close its doors and cease to operate at the location where Ms. Ward was employed. Under the provision of the above Code section the claim may not be redetermined.

**DECISION:**

The representative's decision of September 13, 2013, reference 01, is affirmed. The claimant's request for a redetermination is denied.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

bgh/pjs