

IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI

CARRIE A MIRFIELD  
421 19<sup>TH</sup> ST APT 806  
MOLINE IL 61265

FROEHLICH CAKES AND PASTRIES  
1524 RIVER DR  
MOLINE IL 61265

Appeal Number: 04A-UI-01175-MT  
OC: 01/18/04 R: 12  
Claimant: Respondent (1)

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Employer filed an appeal from a decision of a representative dated February 3, 2004, reference 03, which held claimant eligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on February 25, 2004. Claimant participated. Employer participated by John Addelia, President; Tara Addelia, Secretary; Theresa Perisho, Vice President Perisho Vending; and Virginia Gillespie, Employee Perisho Vending.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on September 6, 2003. This employer laid off claimant when the business was sold to Perisho Vending. Claimant was hired by Perisho and continued working the same job at the same hours and wages. Perisho and Foodworks have a different account number and have not been deemed successors in the business to date of hearing.

REASONING AND CONCLUSIONS OF LAW:

The issue in this matter is whether claimant quit for good cause attributable to employer. The administrative law judge holds that the evidence has established that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because claimant was laid off due to a sale of a business. This was adjudicated as a layoff because the new owner has not been deemed a successor to the business. Since two account numbers exist for the same business, a separation issue was created. Benefits allowed.

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.

DECISION:

The decision of the representative dated February 3, 2004, reference 03, is affirmed. Unemployment insurance benefits are allowed, provided claimant is otherwise eligible.

mdm\b