

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SUSAN M SCHUELLER
Claimant

APPEAL NO. 12A-UI-07357-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MCGRAW-HILL INC
Employer

OC: 05/27/12
Claimant: Appellant (4)

Section 96.3-5 – Business Closure

STATEMENT OF THE CASE:

Susan M. Schueller filed a timely appeal from an unemployment insurance decision dated June 18, 2012, reference 01. While that decision allowed unemployment insurance benefits to her, it declined to recalculate her unemployment insurance benefits based upon the business closure provisions of the Employment Security Law. After due notice was issued, a telephone hearing was held July 18, 2012 with Ms. Schueller participating. McGraw-Hill, Inc. elected not to participate in the hearing.

ISSUE:

Is the claimant unemployed as the result of a business closure?

FINDINGS OF FACT:

Susan M. Schueller filed a claim for unemployment insurance benefits during the week of May 27, 2012. Her last employer was McGraw-Hill, Inc. Ms. Schueller worked at the company's location on Shavanelle Road in Dubuque, Iowa. All economic activity at that location has ceased. Signs on the property indicate that it is for sale or rent.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.3-5 allows for additional weeks of unemployment insurance benefits for individuals who have become unemployed as the result of a business closure. The key factors are whether the employment was the claimant's final employment before filing the claim for unemployment insurance benefits and whether all operations have ceased at the physical location where the claimant last worked. The evidence in this record persuades the administrative law judge that Ms. Schueller has become unemployed as the result of a business closure. Therefore, her benefits shall be recalculated using the business closure provisions of the statute.

DECISION:

The unemployment insurance decision dated June 18, 2012, reference 01, is modified. The claimant remains entitled to receive unemployment insurance benefits, provided she is otherwise eligible. Her benefits shall be recomputed using the business closure provisions of the law.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs