

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MICHAEL D HALSEY
Claimant

APPEAL NO. 12A-UI-05642-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

BEEF PRODUCTS INC
Employer

OC: 10/23/11
Claimant: Respondent (4)

Section 96.3-5 – Business Closure

STATEMENT OF THE CASE:

The employer filed a timely appeal from an unemployment insurance decision dated May 3, 2012, reference 02, that recalculated the claimant's maximum amount upon a finding that the separation had been a business closure. After reviewing all matters of record, the administrative law judge concludes that a formal hearing is not required.

ISSUE:

Is the claimant's unemployment the result of a business closure?

FINDINGS OF FACT:

A fact-finding decision dated May 11, 2012 granted the relief requested by the employer in its appeal. While the claimant is eligible for unemployment insurance benefits, the claimant's unemployment was not the result of a business closure.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.3-5 allows an individual's maximum benefit amount to be re-calculated if the individual's unemployment is the direct result of the claimant's last employer going out of business at the location where the claimant last worked. The evidence in the record establishes that this claimant became unemployed through other circumstances.

DECISION:

The unemployment insurance decision dated May 3, 2012, reference 02, is modified. The claimant is entitled to receive unemployment insurance benefits provided all other eligibility requirements are met, but is not entitled to recalculation of the maximum benefit amount pursuant to the business closure provisions of the statute.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

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