

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RANDY J BRIDGFORD ET AL
Claimant

APPEAL NO. 07A-UI-08726-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

HARKERS DISTRIBUTION INC
Employer

OC: 07/22/07 R: 01
Claimant: Respondent (4)

Section 96.3-5 – Computation of Benefits

STATEMENT OF THE CASE:

Harkers Distribution, Inc. filed timely appeals from unemployment insurance decisions allowing computation of unemployment insurance benefits to various former employees using the business closure provisions of the statute. Before a hearing could be scheduled in this matter, however, the Agency granted the relief requested by the employer. It has allowed benefits to the employees using the normal calculations. The effect of the subsequent decision has been to reduce the number of weeks of benefits from a maximum of 39 per claimant to a maximum of 26 per claimant.

ISSUE:

Should the claimants' benefits be computed using the business closure provisions of the statute?

FINDINGS OF FACT:

Having examined all matters of record, the administrative law judge finds: Harkers Distribution, Inc. has not gone out of business at the location where the claimants were last employed.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the separations were a normal layoff or the result of a business closure. The employer asserted in its appeal letter that it had not gone out of business at the location where the claimants last worked. Subsequent fact-finding decisions by the Agency have agreed with the employer's position. No hearing is necessary at this time. The claimants may appeal the subsequent decisions.

DECISION:

The unemployment insurance decisions allowing benefits computed using the business closure provisions of the statute is modified. Benefits are allowed with benefits computed in the normal manner.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

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