

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**WILLIAM E HART**  
Claimant

**APPEAL NO: 12A-UI-14439-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WELLS FARGO INSURANCE SERVICES**  
Employer

**OC: 07/29/12**  
**Claimant: Appellant (2/R)**

Iowa Code § 96.3(5) – Business Closing Benefits

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's December 3, 2012 determination (reference 01) that denied his request for business closing benefits. The claimant participated in the hearing. The employer did not respond to the hearing notice or participate in the hearing. Based on the evidence, the claimant's arguments, and the law, the administrative law judge grants the claimant's request for business closing benefits.

**ISSUE:**

Should the claimant's request for business closing benefits be granted?

**FINDINGS OF FACT:**

The claimant started working for the employer as a full-time insurance salesperson in January 2007. The claimant and three other insurance sales people worked out of the employer's branch office in Normal, Illinois.

The employer decided to downsize and close the Normal branch office. All employees who continued working would work out of the main office in Champaign, Illinois. The claimant and three other insurance sales peoples' jobs were eliminated when the Normal, Illinois branch office closed.

**REASONING AND CONCLUSIONS OF LAW:**

A claimant's unemployment insurance claim can be credited with one-half instead of one-third of the claimant's wages in the base period, when the most recent employer lays off the claimant because the business is closed. Iowa Code § 96.3(5). Business closing or going out of business means any factory, establishment, or other premises of an employer that closes its doors. A business is not considered to have gone out of business at the factory, establishment, or other premises when the employer sells or otherwise transfers the business to another employer, and the successor employer continues to operate the business. 871 IAC 24.29.

The evidence establishes the employer closed the Normal, Illinois branch office after deciding to downsize and move all employees to the Champaign office. Since the Normal, Illinois office was closed, the claimant's request for business closing benefits is granted.

This matter will be remanded to the Claims Section to redetermine the claimant's benefits as a business closing.

**DECISION:**

The representative's December 3, 2012 determination (reference 01) is reversed. The claimant's request to have his benefits redetermined as a business closing is granted. This matter is **Remanded** to the Claims Section to redetermine the claimant's benefits under the business closing law.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/tll