

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

AMBER D SHOAF
Claimant

APPEAL NO. 12A-UI-05648-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:

Beef Products, Inc. filed a timely appeal from an unemployment insurance decision dated May 9, 2012, reference 04, that ruled that Amber D. Shoaf's unemployment insurance benefits should be recalculated pursuant to the business closure provisions of the statute. After due notice was issued, a telephone hearing was held July 11, 2012, with Jennifer Stubbs participating for the employer. Ms. Shoaf did not provide a telephone number at which she could be contacted. This matter is considered on a consolidated record with 12A-UI-06024-AT.

ISSUE:

Has the claimant become unemployed due to a business closure?

FINDINGS OF FACT:

Amber D. Shoaf was a production worker for BPI, Inc. in Waterloo, Iowa, from May 23, 2011, until she resigned April 13, 2012, to accept other employment. Further work was available to her at the time that she resigned.

REASONING AND CONCLUSIONS OF LAW:

An individual is entitled to recalculation of unemployment insurance benefits if their unemployment has come about as a result of their last employer ceasing operations at the location where the individual last worked. The evidence in this record establishes that Ms. Shoaf did not become unemployed under these circumstances. Her employment ended because she accepted other work. Agency records indicate that she has not requested or received unemployment insurance benefits since April 2012.

DECISION:

The unemployment insurance decision dated May 9, 2012, reference 04, is reversed. The claimant is not eligible for redetermination of benefits based on the business closure provisions of the law.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

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