

**IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI**

**ANGELA M HEIAR
820 WILSON
DUBUQUE IA 52001**

**THE GANNON CENTER
ATTN ACCOUNTING DEPT
200 MERCY DR #200
DUBUQUE IA 52001**

**Appeal Number: 06A-UI-04878-CT
OC: 09/25/05 R: 04
Claimant: Appellant (1)**

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.3(5) – Duration of Benefits
871 IAC 24.29(2) – Business Closing

STATEMENT OF THE CASE:

Angela Heiar filed an appeal from a representative's decision dated May 2, 2006, reference 06, which denied her request to have her claim re-determined as a business closing. After due notice was issued, a hearing was held by telephone on May 22, 2006. Ms. Heiar participated personally. The employer participated by Marylou Baal, Chief Executive Officer.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Heiar was employed by The Gannon Center from November 22, 2004 until September 30, 2005. The employer had received a grant to

conduct a jail diversion program. Ms. Heiar was hired to perform services under the grant. Her position was fully funded by the grant. She knew at the time of hire that continued employment was contingent on grant money being available. When funding was no longer available, Ms. Heiar was released from the employment at the end of the employer's operational year, September 30, 2005. The lack of funding was the sole reason for her separation.

The Gannon Center operates out of a commercial office building in Dubuque. After Ms. Heiar's separation, the employer continued to operate the business from the same location with other programs. The employer is now in the process of winding down the business and anticipates a full closure by approximately the end of June of 2006.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Ms. Heiar was unemployed due to a business closing within the meaning of the law. Additional wage credits are available to an individual who is ". . .laid off due to the individual's employer going out of business. . ." Iowa Code section 96.3(5). Ms. Heiar became separated from The Gannon Center in September of 2005 because the funding source for her job was no longer available and not because the employer was going out of business. The fact that the employer is now in the process of closing the business does not alter the fact that Ms. Heiar became separated from the employment nine months before and for reasons unrelated to the closure.

For the reasons stated herein, the administrative law judge concludes that Ms. Heiar was not unemployed due to a business closing within the meaning of the law. Accordingly, the request to re-determine the claim is denied.

DECISION:

The representative's decision dated May 2, 2006, reference 06, is hereby affirmed. Ms. Heiar's request to have her claim re-determined as a business closing is denied as she is not unemployed due to her employer going out of business.

cfc/kkf