

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CRAIG A CLARK
Claimant

APPEAL NO. 07A-UI-09963-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

JAM PUBLISHING INC
Employer

OC: 10/07/07 R: 01
Claimant: Respondent (1-R)

Section 96.3(5) – Duration of Benefits

STATEMENT OF THE CASE:

Jam Publishing, Inc. filed an appeal from a representative's decision dated October 22, 2007, reference 03, which allowed a re-determination of benefits for Craig Clark on a finding that his employer had gone out of business. After due notice was issued, a hearing was held by telephone on November 19, 2007. Mr. Clark participated personally and offered additional testimony from Deb Griggs, Jeff Bricker, and Todd Klocko. The employer participated by Matt Ewing, President/CEO.

ISSUE:

At issue in this matter is whether Mr. Clark is unemployed due to his employer going out of business.

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: Mr. Clark was employed by Jam Publishing, Inc. from July 30 until September 14, 2007. He worked full time as sales manager. He performed services at 1030 Central Avenue in Fort Dodge, Iowa. During the week of September 10, Mr. Clark was notified that the employer intended to close the business. On or about September 19, 2007, the employer notified Workforce Development that the business was closed. It was not sold to another entity.

Mr. Clark has not worked for any employer since leaving Jam Publishing, Inc. He is currently working with a former coworker to start their own business. They have rented office space and have telephone service to the space. Mr. Clark devotes time each week to starting the business.

REASONING AND CONCLUSIONS OF LAW:

The issue before the administrative law judge is whether Mr. Clark is unemployed as a result of a business closing. A business is considered closed where it has closed its doors to the public and ceased to function as a business. 871 IAC 24.29(2). It is undisputed that Jam Publishing,

Inc. no longer exists as a business entity and this fact has been communicated to Workforce Development by the employer. Mr. Clark was told he no longer had employment because of the employer's plans to close the business. The administrative law judge concludes that his separation was a direct result of the employer's decision to close. As such, Mr. Clark is entitled to have his claim re-determined.

Testimony during the hearing raised the issue of Mr. Clark's availability for work. He is attempting to start his own business. This matter shall be remanded to Claims to investigate and issue a determination regarding Mr. Clark's availability for work given his efforts to start his own business.

DECISION:

The representative's decision dated October 22, 2007, reference 03, is hereby affirmed. Mr. Clark is entitled to have his claim re-determined as he is unemployed due to his employer going out of business at the location where he was last employed. This matter is remanded to Claims to investigate Mr. Clark's availability for work.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/css