

**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**

**WAYNE R SIMMONS  
PO BOX 125  
KNOXVILLE IA 50138**

**TWISTER CHASSIS INC  
8395 SE 26<sup>TH</sup> AVE  
RUNNELLS IA 50237**

**TWISTER CHASSIS LLC  
702 N JACKSON ST  
ROBINSON IL 62454**

**Appeal Number: 04A-UI-05490-AT  
OC: 04-04-04 R: 02  
Claimant: Appellant (2)**

**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, 4<sup>th</sup> 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 – Business Closure

STATEMENT OF THE CASE:

Wayne R. Simmons filed a timely appeal from an unemployment insurance decision dated May 13, 2004, reference 02, which denied his request to have his claim redetermined as being the result of a business closure. Due notice was issued for a telephone hearing to be held June 25, 2004. Because of a document submitted by Twister Chassis LLC identified for the record as Exhibit D-1, the administrative law judge concludes that no additional testimony is required.

FINDINGS OF FACT:

Having examined all matters of record, the administrative law judge finds: Prior to filing his present claim for unemployment insurance benefits, Wayne R. Simmons was last employed by Twister Chassis LLC in Knoxville, Iowa. The business has closed permanently.

REASONING AND CONCLUSIONS OF LAW:

The question is whether it is appropriate to recompute Mr. Simmons' benefits based upon the business closure provisions of Iowa Code Section 96.3-5. It is.

The statute allows for redetermination of benefits if the claimant's last employer has permanently gone out of business at the location where the individual was employed. The evidence in the record establishes that those conditions have been met. Mr. Simmons last worked for Twister Chassis LLC, which has ceased operations in Knoxville, Iowa. Redetermination is appropriate.

DECISION:

The unemployment insurance decision dated May 13, 2004, reference 02, is reversed. The claimant's unemployment insurance benefits shall be redetermined using the business closure provisions of the Employment Security Law.

tjc/b