

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

WENDY N IRVING
Claimant

APPEAL NO. 07A-UI-04510-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ELLIOTT OIL COMPANY
Employer

**OC: 04-01-07 R: 03
Claimant: Respondent (4)**

Section 96.3-5 – Business Closure

STATEMENT OF THE CASE:

Elliott Oil Company filed a timely appeal from an unemployment insurance decision dated April 30, 2007, reference 02, that allowed benefits to Wendy N. Irving computed using the business closure formula. The employer did not contest payment of regular benefits to Ms. Irving but asserted that the location at which Ms. Irving had been employed did not go out of business. Before a hearing could be scheduled in this matter, the Unemployment Insurance Services Division issued a subsequent fact-finding decision granting the relief requested by the employer.

ISSUE:

Is the claimant entitled to receive unemployment insurance benefits computed using the business closure formula?

FINDINGS OF FACT:

Having examined all matters of record, the administrative law judge finds: On May 7, 2007, the Unemployment Insurance Services Division issued a fact-finding decision allowing up to 26 weeks of unemployment insurance benefits to Wendy N. Irving, but ruling that her separation was not the result of her employer going out of business at the location at which she was employed.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the claimant is entitled to the potential of additional benefits made possible by the business closure provisions of the statute. She is not.

The evidence in this record establishes that the agency has concluded that the Elliott Oil Company location at which Ms. Irving was last employed has not gone out of business. Under these circumstances, Ms. Irving is not entitled to receive the additional benefits made possible by the business closure provisions of the law. The claimant may contest that determination by filing her own appeal with the Appeals Bureau.

DECISION:

The unemployment insurance decision dated April 30, 2007, reference 02, is modified. The claimant is entitled to receive up to 26 weeks of unemployment insurance benefits, provided she is otherwise eligible. She is not entitled to receive the additional benefits made possible through the business closure provisions of the law.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

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