

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

DONALD K BLESSING  
1225 – 1<sup>ST</sup> AVE N #61  
MOUNT VERNON IA 52314

UNITED STATES CELLULAR CORP  
% TALX UC EXPRESS  
PO BOX 283  
ST LOUIS MO 63166-0283

Appeal Number: 05A-UI-02391-CT  
OC: 12/12/04 R: 03  
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, 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.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.3(5) – Duration of Benefits

STATEMENT OF THE CASE:

Donald Blessing filed an appeal from a representative's decision dated February 28, 2005, reference 01, which denied his request to have his claim re-determined as a business closing. After due notice was issued, a hearing was held by telephone on March 24, 2005. Mr. Blessing participated personally. The employer did not respond to the notice of hearing.

FINDINGS OF FACT:

Having heard the testimony of the witness and having reviewed all the evidence in the record, the administrative law judge finds: Mr. Blessing was employed by United States Cellular

Corporation (USCC) at its offices in Marion, Iowa. He became separated from employment because his department was consolidated with other similar departments in other states and relocated to Tulsa, Oklahoma. The employer continued its other operations at the location where Mr. Blessing worked. There are still from 350 to 400 individuals still employed by USCC at the address in Marion.

#### REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Mr. Blessing is unemployed as a result of his employer going out of business at the location where he last worked. The term "going out of business" means that an employer has closed its doors and no longer operates as a business. See 871 IAC 24.29(2). It is clear that USCC has not gone out of business at the establishment where Mr. Blessing last worked. The closing of one department is not sufficient to establish a business closing. As such, the request to have the claim re-determined as a business closing is denied.

#### DECISION:

The representative's decision dated February 28, 2005, reference 01, is hereby affirmed. Mr. Blessing's request to have his claim re-determined as a business closing is denied as his employer has not gone out of business at the premises where he last worked.

cfc/kjf