

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JEREMY P MCMAHON
Claimant

APPEAL NO. 09A-UI-03275-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

GAVIN ENTERPRISES, INC
Employer

OC: 11/02/08
Claimant: Respondent (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Employer filed an appeal from a decision of a representative dated February 23, 2009, reference 04, which held claimant eligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on March 25, 2009. Claimant participated. Employer participated by Debbie Chamberlain, Risk Control Manager.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on June 20, 2008. Claimant was laid off by employer when it sold its employing unit to another company effective June 23, 2008. Claimant ceased working for employer June 23, 2008 but did not stop working when acquired by another company.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when employer terminated the employment relationship because of sale of a part of the business. This is a layoff due to business sale. Benefits allowed.

Iowa Code section 96.5-1 provides:

An individual shall be disqualified for benefits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

DECISION:

The decision of the representative dated February 23, 2009, reference 04, is affirmed. Unemployment insurance benefits are allowed, provided claimant is otherwise eligible.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/pjs