

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**LAURA S MARTENS**  
Claimant

**APPEAL NO. 14A-UI-05136-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**COMMUNITY CARE INC**  
Employer

**OC: 05/04/14**  
**Claimant: Appellant (1)**

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Section 96.3-5 – Business Closing  
871 IAC 24.29(1) – Business Closing

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated May 9, 2014, reference 01, that concluded the claimant was ineligible for business-closing benefits. A telephone hearing was held on June 5, 2014. The parties were properly notified about the hearing. The claimant participated in the hearing. No one participated in the hearing on behalf of the employer.

**ISSUE:**

Is the claimant eligible for business-closing benefits in addition to regular unemployment insurance benefits?

**FINDINGS OF FACT:**

The claimant worked as a home health nurse for the employer until May 4, 2014. She was laid off because the employer stopped providing home health care and closed the department she worked in.

The employer has not closed its business located at 108 Community Care Inc. and continues to employ employees at that location.

**REASONING AND CONCLUSIONS OF LAW:**

The issue in this case is whether the claimant was laid off due to a business closing.

Iowa unemployment insurance law provides additional benefits for claimants laid off due to their employer going out of business at the factory, establishment, or other premises at which they were last employed. Iowa Code § 96.3-5. The unemployment insurance rules further provide business-closing benefits to be paid retroactively to a claimant who is temporarily laid off with the expectation of returning to work and is prevented from returning to work because of the employer has gone out of business during the claimant's benefit year. 871 IAC 24.29(1). Finally, the rules define going out of business as any factory, establishment, or other premises of an employer that closes its doors and ceases to function as a business. An employer is not

considered to have gone out of business at the factory, establishment, or other premises if the employer sells or otherwise transfers the business to another employer and the successor employer continues to operate the business. 871 IAC 24.29(2)

The claimant was laid off because the department she worked in closed. The business itself has not closed. Business-closing benefits are not available in this case.

**DECISION:**

The unemployment insurance decision dated May 9, 2014, reference 01, is affirmed. The claimant is not entitled to have her claim redetermined as a layoff due to a business closing.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/pjs