

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KARIE C PALEN
Claimant

APPEAL NO. 12A-EUCU-00079-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

HARD LUCK SALOON
Employer

**OC: 05/23/10
Claimant: Respondent (5)**

Section 96.5-1 & 2 – Separation from Employment

STATEMENT OF THE CASE:

Lyman S. File, formerly doing business as Hard Luck Saloon, filed a timely appeal from an unemployment insurance decision dated February 16, 2012, reference 06, that allowed benefits to Karie C. Palen. After due notice was issued, a telephone hearing was held March 9, 2012, with Mr. File participating. Although Ms. Palen had provided a telephone number at which she could be contacted. The number was answered by a recording at the time of the hearing. The administrative law judge left instructions for Ms. Palen to call if she wished to participate in the hearing. There was no response from her prior to the closing of the record.

ISSUE:

Was the claimant's separation from employment a disqualifying event?

FINDINGS OF FACT:

Karie C. Palen was employed by Lyman and Connie File, doing business as Hard Luck Saloon, from September 30, 2011, until the Files sold the business to Ernest Collier on December 1, 2011.

REASONING AND CONCLUSIONS OF LAW:

An individual is disqualified for benefits if they leave employment voluntarily without good cause attributable to the employer or are discharged for misconduct in connection with the employment. See Iowa Code section 96.5-1 and section 96.5-2-a, respectively. The evidence establishes that Ms. Palen did not resign from her employment with Mr. and Ms. File and that she was not discharged by them. The sale of the business to a new owner did not constitute a disqualifying event. Agency decision records indicate that the claimant's separation from employment with Mr. Collier was adjudicated on or about February 16, 2012.

DECISION:

The unemployment insurance decision dated February 16, 2012, reference 06, is modified. The claimant's employment with this employer ended on December 1, 2011. The separation was not a disqualifying event. The claimant is entitled to receive unemployment insurance benefits, provided she is otherwise eligible.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw