

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**WILLIAM R RITCHIE**  
Claimant

**APPEAL NO. 10A-UI-10597-DT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**TEAM STAFFING SOLUTIONS INC**  
Employer

**OC: 12/27/09**

**Claimant: Respondent (4/R)**

Section 96.3-5 – Benefit Calculation Related to Business Closure

**STATEMENT OF THE CASE:**

Team Staffing Solutions, Inc. (named as employer) appealed a representative's July 21, 2010 decision (reference 03) that concluded William R. Ritchie (claimant) was qualified to receive unemployment insurance benefits recalculated as a layoff due to a business closure. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on September 14, 2010. The claimant failed to respond to the hearing notice and provide a telephone number at which he could be reached for the hearing and did not participate in the hearing. Sarah Fiedler appeared on the employer's behalf. Based on the evidence, the arguments of the employer, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Is the claimant eligible for benefits calculated on the basis of a business closing of this employer?

**FINDINGS OF FACT:**

The employer is a temporary employment firm based in Muscatine, Iowa. The claimant's residence is in Des Moines. This employer's records show no entry of any employment of anyone with the claimant's name or social security number. Agency records do not show any report of wages from the employer as paid to the claimant. Agency records indicate that the claimant's last employer, ending in the fourth quarter 2008, was a "WS Development, L.L.C.", account number 29433, with a Des Moines area address. The employer's account number is 303492. WS Development was not a business client of the employer; the employer does not have any Des Moines area business clients.

**REASONING AND CONCLUSIONS OF LAW:**

Normally, the maximum total amount of benefits payable to an eligible individual during a benefit year is the lesser of 26 times the individual's weekly benefit amount or the total of the claimant's base period wage credits. However, under usual circumstances, if the claimant is laid off due to the claimant's employer going out of business at the factory, establishment, or other premises at

which the claimant was last employed, the maximum benefits payable are extended to the lesser of 29 times the claimant weekly benefit amount or the total of the claimant's wage credits. Iowa Code § 96.3-5.

The representative's decision clearly names the wrong employer. The claimant may or may not be entitled to a recalculation of benefits due to a business closing of his most recent employer, but it was not due to a business closing of the employer named in the representative's decision. The matter must be remanded to the Claims Section for a determination based upon whether there was a business closing contributing to the claimant's unemployment by WS Development, L.L.C.

**DECISION:**

The representative's July 21, 2010, reference 03, decision is modified in favor of the named employer. The claimant was not laid off due to a business closure of the named employer, which never employed the claimant. The matter is remanded to the Claims Section for investigation and determination of the issue as to whether the claimant's claim should be redetermined as a result of a business closing on the part of WS Development, L.L.C.

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Lynette A. F. Donner  
Administrative Law Judge

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Decision Dated and Mailed

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