



Department of Inspections,  
Appeals, & Licensing

Iowa Department of Inspections, Appeals, & Licensing  
Administrative Hearings Division  
6200 Park Avenue, Suite 100, East Entrance  
Des Moines, IA 50321-1270

**Appeal Decision**

Claim Number:

Determination Number:  
7341688

Appeal Filed By:  
FRANKLIN PLAZA FAMILY DENTISTRY &  
CONSULTING, P.C.

Appeal Filed Date:  
07/10/2025

Appeals Bureau Docket:  
2025143733-AT



**APPEALS BUREAU DECISION OF ADMINISTRATIVE LAW JUDGE**

Mail Date: October 6, 2025

**Appellee**

Claimant/Job Seeker: Michelle Evans

Claimant address: [Redacted]

Social Security Number: [Redacted]

**Appellant**

Employer: Franklin Plaza Family Dentistry &  
Consulting, P.C.

[Redacted]

In regard to the appeal by FRANKLIN PLAZA FAMILY DENTISTRY & CONSULTING, P.C.:

**STATUTORY REFERENCE**

Iowa Code Section 96.5(1) - Layoff

**ISSUES STATEMENT**

Whether the claimant was laid off, was discharged for misconduct in connection with the employment, or voluntarily quit without good cause attributable to employer Franklin Plaza Family Dentistry & Consulting, P.C. (employer account number 291060).

**CASE HISTORY**

On July 10, 2025, employer Franklin Plaza Family Dentistry & Consulting, P.C. (employer account number 291060) filed a timely appeal from the July 9, 2025 IWD decision that allowed benefits to the claimant, provided she was otherwise eligible, and that held the employer's account could be charged for benefits, based on the deputy's conclusion the claimant was discharged on June 5, 2025 for no disqualifying reason. After appropriate notice to the parties, an hearing was held on September 9, 2025. Michelle Evans (claimant) participated. Dr. John McCartney, D.D.S. represented the employer and presented additional testimony through Dr. Debbie Nanda McCartney, D.D.S. Exhibits 1 and 2 were received into evidence. Exhibit 3 was not served on the

*Equal Opportunity:*

*Auxiliary aids and services are available upon request to individuals with disabilities. For deaf and hard of hearing, use Relay 711.*



claimant and therefore was received into evidence. The administrative law judge took official notice of the IWD August 1, 2025 successorship determination decision.

**FINDINGS OF FACT**

Having considered all of the evidence in the record, the administrative law judge finds as follows:

Michelle Evans (claimant) was employed by Drs. John McCartney, D.D.S. and Debbie Nanda McCartney, D.D.S., doing business as Franklin Plaza Dentistry & Consulting, P.C., a the full-time front office coordinator from 2002 and last performed work for that employer on April 30, 2025. Franklin Plaza Dentistry & Consulting, P.C. had no work available for Ms. Evans beyond April 30, 2025.

The dental practice was located at 4954 Franklin Avenue in Des Moines.

Effective May 1, 2025, the McCartneys sold their dental practice to All Smiles Dental Group, P.L.L.C. The McCartneys have no ownership interest in All Smiles Dental Group, P.L.L.C. The new employer offered Ms. Evans continued employment as the full-time front office coordinator at an increased wage. Ms. Evans accepted the new employment and started the new employment with the new employer effective May 1, 2025. Ms. Evans continued in the new employment more than a month before separating from the new employer.

Ms. Evans established an original claim for unemployment insurance benefits that was effective June 8, 2025. Iowa Workforce Development (IWD) set the weekly benefit amount at \$406.00. IWD paid that amount in weekly benefits to Ms. Evans for the weeks that ended June 14, June 28, and July 5, 2025 for a total \$1,218.00 in benefits. Franklin Plaza Family Dentistry, P.C. is the sole base period employer in connection with Ms. Evans' claim.

On July 1, 2025, IWD mailed to Franklin Plaza Family Dentistry, P.C. notice of a fact-finding interview set or 9:00 a.m. on July 8, 2025. The notice was directed to the employer's address of record, which was business location for the dental practice the McCartneys had sold to All Smiles Dental Group, P.L.L.C. By that time, the McCartneys were no longer conducting any business from that location. The McCartneys were unaware of the notice. No one from Franklin Plaza Dentistry & Consulting, P.C. or All Smiles Dental Group, P.L.L.C. participated in the fact-finding interview. Ms. Evans participated and provided a statement that did not include willful misrepresentation or omission of material facts.

On August 1, 2025, Iowa Workforce Development issued a successorship determination decision to All Smiles Dental Group, P.L.L.C. that transferred “all experience,” including tax rate and liability for benefits, to All Smiles Dental, effective May 1, 2025.

**CONCLUSION OF LAW**

Iowa Administrative Code rule 871-24.1(32) characterizes the different types of employment separations as follows:

Separations. All terminations of employment, generally classifiable as layoffs, quits, discharges, or other separations.

a. Layoffs. A layoff is a suspension from pay status initiated by the employer without prejudice to the worker for such reasons as: lack of orders, model changeover, termination of seasonal or temporary employment, inventory-taking, introduction of laborsaving devices, plant breakdown, shortage of materials; including temporarily furloughed employees and employees placed on unpaid vacations.



b. Quits. A quit is a termination of employment initiated by the employee for any reason except mandatory retirement or transfer to another establishment of the same firm, or for service in the armed forces.

c. Discharge. A discharge is a termination of employment initiated by the employer for such reasons as incompetence, violation of rules, dishonesty, laziness, absenteeism, insubordination, failure to pass probationary period.

d. Other separations. Terminations of employment for military duty lasting or expected to last more than 30 calendar days, retirement, permanent disability, and failure to meet the physical standards required.

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 698, 612 (Iowa 1980) and *Peck v. EAB*, 492 N.W.2d 438 (Iowa App. 1992). In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer. See Iowa Administrative Code rule 871-24.18.

Iowa Code Section 96.5(1) provides, in relevant part, as follows:

96.5 Causes for disqualification. An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

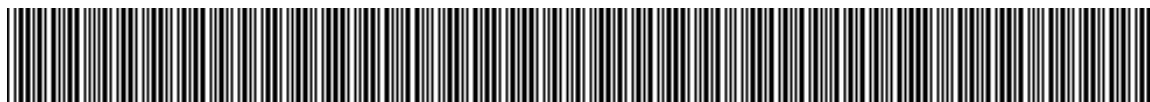
1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department. But the individual shall not be disqualified if the department finds that:

i. The individual is unemployed as a result of the individual's employer selling or otherwise transferring a clearly segregable and identifiable part of the employer's business or enterprise to another employer which does not make an offer of suitable work to the individual as provided under subsection 3. However, if the individual does accept, and works in and is paid wages for, suitable work with the acquiring employer, *the benefits paid which are based on the wages paid by the transferring employer shall be charged to the unemployment compensation fund provided that the acquiring employer has not received, or will not receive, a partial transfer of experience under the provisions of section 96.7, subsection 2, paragraph "b"*. Relief of charges under this paragraph applies to both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

[Emphasis added.]

The evidence in the record establishes that Ms. Evans was laid off from her employment with Franklin Plaza Family Dentistry & Consulting, P.C. (employer account number 291060) effective April 30, 2025. By that time the claimant had performed all the work that employer had for her. That employer had no work for the claimant beyond April 30, 2025 because the employer had sold its business to a new employer entity, All Smiles Dental Group, P.L.L.C. (employer account number 706469). Because the claimant's April 30, 2025 layoff from Franklin Plaza Family Dentistry & Consulting, P.C. (#291060) was neither a discharge for misconduct in connection with the employment nor a voluntary quit without good cause attributable to the employer, the April 30, 2025 separation did not disqualify the claimant for unemployment insurance benefits and would not relieve that employer's account for liability for benefits. The claimant is eligible for benefits, provided she is otherwise eligible. The employer's account may be charged. However, see the paragraph that follows.

The claimant's employment with Franklin Plaza Family Dentistry & Consulting, P.C. (employer



account number 291060) ended as a result of that employer selling the employer's business to All Smiles Dental Group, P.L.L.C. (employer account number 706469). IWD has deemed All Smiles Dental Group, P.L.L.C. a full successor to Franklin Plaza Family Dentistry & Consulting, P.C. Pursuant to the successorship determination and pursuant to Iowa Code section 96.7(2)(b)(1), liability for benefits based on the claimant's April 30, 2025 separation from Franklin Plaza Family Dentistry & Consulting, P.C. transfers to All Smiles Dental Group, P.L.L.C. Because of the successorship determination, liability for benefits does not transfer to the IWD unemployment compensation fund.

This matter will be remanded to IWD Benefits Bureau for initial adjudication of the claimant's June 5, 2025 separation from All Smiles Dental Group, P.L.L.C. (employer account number 706469) with proper notice to that employer.

**DECISION/REMAND**

The July 9, 2025 decision is MODIFIED in favor of the employer/appellant only to acknowledge the successorship determination that transferred liability for benefits from the predecessor to a successor employer. The claimant was laid off effective April 30, 2025. The claimant is eligible for benefits, provided she meets all other eligibility requirements. The employer's account may be charged. However, pursuant to the successorship determination liability for benefits transfers from Franklin Plaza Family Dentistry & Consulting, P.C. (#291060) to All Smiles Dental Group, P.L.L.C. (#706469).

This matter is REMANDED to IWD Benefits Bureau for initial adjudication of the claimant's June 5, 2025 separation from All Smiles Dental Group, P.L.L.C. (#706469) with proper notice to that employer.



James TIMBERLAND

Administrative Law Judge

Iowa Department of Inspections, Appeals, & Licensing

Administrative Hearings Division

Unemployment Insurance Appeals Bureau

**Please see the last page of this document for important information about reopening the appeal and further appeal rights.**



## INSTRUCTIONS FOR FILING AN APPEAL

If you disagree with the decision, you or any interested party may:

1. Appeal to the Employment Appeal Board within fifteen (15) days of the date under the judge's signature by submitting a written appeal via mail, fax, or online to:

Employment Appeal Board  
6200 Park Avenue Suite 100  
Des Moines, IA 50321  
Fax: (515)281-7191  
Online: IowaWORKS account

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.

AN APPEAL TO THE BOARD SHALL STATE CLEARLY:

1. A reference to the decision from which the appeal is taken.
2. That an appeal from such decision is being made and such appeal is signed.
3. The grounds upon which such appeal is based.

An Employment Appeal Board decision is final agency action. If a party disagrees with the Employment Appeal Board decision, they may then file a petition for judicial review in district court.

2. If no one files an appeal of the judge's decision with the Employment Appeal Board within fifteen (15) days, the decision becomes final agency action, and you have the option to file a petition for judicial review in District Court within thirty (30) days after the decision becomes final. Additional information on how to file a petition can be found at Iowa Code 17A.19, which is online at <https://www.legis.iowa.gov/docs/code/17a.19.pdf> or by contacting the District Court Clerk of Court <https://www.iowacourts.gov/iowa-courts/court-directory/>.

**Note to Parties:** YOU MAY REPRESENT yourself in the appeal or obtain a lawyer or other interested party to do so provided there is no expense to Iowa 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.

**Note to Claimant:** It is important that you file your weekly claim as directed, while the appeal is pending, to protect your continuing right to benefits.

### SERVICE INFORMATION:

A true and correct copy of this decision was mailed to each of the parties listed.



## **Babel Notice – Claim and Appeal Information**

**Aviso:** Aviso: Documento De Beneficios Del Seguro De Desempleo  
Y Información De Apelación

### **IMPORTANT!**

This document contains important information about your unemployment compensation rights, responsibilities and/or benefits. It is critical that you understand the information in this document. **DEADLINE FOR APPEAL:** If you disagree with this determination or decision, you must file an appeal before the deadline noted in this document. **IMMEDIATELY:** If needed, call 866-239-0843 for assistance in the translation and understanding of the information in the document(s) you have received.

### **¡IMPORTANTE!**

Este documento contiene información importante sobre sus derechos, obligaciones y/o beneficios de compensación por desempleo. Es muy importante que usted entienda la información contenida en este documento. **PLAZO LÍMITE PARA APELAR:** Si usted está en desacuerdo con esta determinación o decisión, debe presentar una apelación antes del plazo límite indicado en este documento. **INMEDIATAMENTE:** Si necesita asistencia para traducir y entender la información contenida en el documento(s) que recibió, llame al 866-239-0843.

### **重要提示！**

这份文件包含有关失业补偿的权利、责任和/或利益的重要信息。您需要理解本文件中的信息，这一点至关重要。

**上诉截止日期：**如果您不同意本裁定或决定，您必须在本文件所载截止日期前提出上诉。**立即：**如果需要，请拨打866-239-0843，可获得帮助，以利您翻译和理解所收到的文件中的信息。

### **IMPORTANT!**

Ce document contient des informations importantes sur vos droits d'allocation de chômage, vos responsabilités et/ou vos bénéfices. Il est indispensable que vous compreniez le contenu de ce document. **DATE LIMITE POUR FAIRE APPEL:** Si vous n'êtes pas d'accord avec cette détermination ou décision, vous devrez faire un appel avant la date limite signalée dans ce document. **IMMÉDIATEMENT:** Si nécessaire, téléphonez au 866-239-0843 pour avoir de l'assistance sur la traduction et/ou la compréhension de ce document.

### **WICHTIG!**

Diese Dokument enthält wichtige Hinweise zu ihren Rechten, Pflichten bzw. Leistungen im Rahmen der Arbeitslosenunterstützung. Es ist entscheidend, dass Sie die Informationen in diesem Dokument verstehen. **FRIST ZUR BESCHWERDEEINLEGUNG:** Wenn Sie mit der Feststellung oder Entscheidung nicht einverstanden sind, müssen Sie vor Ablauf der in diesem Dokument aufgeführten Frist eine Beschwerde einlegen. **SOFORT:** Sofern erforderlich, rufen Sie die Telefonnummer 866-239-0843 an und erkundigen sich nach Hilfsdiensten bei der Übersetzung und zum Verständnis der Informationen in dem (den) von Ihnen erhaltenen Dokument(en).

### **IMPORTANTE!**

Ang mga dokumentong ito ay naglalaman ng mahalagang impormasyon tungkol sa iyong mga karapatan na makatanggap ng kabayaran, mga responsibilidad at /o benepisyo dahil sa pagkawala ng trabaho. Napakahalagang maunawaan mo ang mga impormasyong nilalaman sa dokumentong ito. **HULING ARAW PARA UMAPILA:** Kung hindi ka sumasang-ayon sa pagpapasiya o desisyon, dapat kang maghabol o magharap ng apila bago dumating ang huling araw na nabanggit sa dokumentong ito. **KAAGAD:** Kung kinakailangan ang tulong, tumawag sa 866-239-0843 para sa pagsasalin ng wika at pag-unawa ng impormasyon sa mga dokumentong natanggap mo.

### **IMPORTANTE:**

Questo documento contiene informazioni importanti sui Suoi diritti di indennizzo di disoccupazione, sulle sue responsabilità e i suoi benefit. E' cruciale che Lei comprenda appieno le informazioni contenute in questo documento. **SCADENZA PER IL RICORSO:** Se non si trova in accordo con questa determinazione o decisione, dovrà presentare ricorso prima della scadenza riportata nel presente documento. **INMEDIATAMENTE:** In caso di necessità chiami il 866-239-0843 per assistenza alla traduzione e comprensione delle informazioni contenute nei documenti ricevuti.

### QUAN TRỌNG:

Tài liệu này chứa đựng tin tức quan trọng về quyền hạn, trách nhiệm và/hoặc những lợi lộc được đền bù trong khi thất nghiệp. Đó là điều tối cần thiết mà quý vị phải hiểu rõ những tin tức trong tài liệu này. **HẠN CHÓT KHIẾU NẠI:** Nếu quý vị không đồng ý với quyết định này, quý vị phải nộp đơn khiếu nại trước hạn chót ghi rõ trong tài liệu này. **MỘT CÁCH NHANH CHÓNG:** Nếu cần xin hãy gọi số 866-239-0843 để được giúp đỡ trong việc phiên dịch và hiểu rõ những tin tức trong tài liệu quý vị đã nhận.

### 중요!

이 문서는 실업보상 권리, 책임 및/또는 혜택에 대한 중요한 정보가 포함되어 있습니다. 이 문서에 있는 정보를 이해 하는 것은 매우 중요합니다. **항소 마감:** 이 결정에 이견이 있으시면 항소인은 문서에 언급된 마감일 전에 항소를 제기하셔야 합니다. **즉시:** 받으신 문서의 번역 및 이해를 위해서 도움이 필요하시면 866-239-0843 로연락을 하시기 바랍니다.

### WAŻNE!

Dokumenty mogą zawierać ważne informacje o Pana(-i) prawach do zasiłków dla bezrobotnych, obowiązków i/lub świadczeń. Zrozumienie informacji zawartych w niniejszym dokumencie jest bardzo ważne. **DATA WYGAŚNIĘCIA TERMINU SKŁADANIA ODWOŁAŃ:** Jeśli nie zgadza się Pan(-i) z decyzją zawartą w niniejszym dokumencie, odwołanie należy złożyć przed datą wygaśnięcia terminu wyszczególnionego w treści niniejszego dokumentu. **NATYCHMIAST:** W razie potrzeby, należy dzwonić pod 866-239-0843 w celu uzyskania pomocy w tłumaczeniu i zrozumieniu informacji w dokumentach, które Pan(i) otrzymał(-a).

### ВАЖНО!

Данный документ содержит важную информацию о Ваших правах на пособие по безработице, ответственностях и /или выгодах. Крайне важно, чтобы Вы поняли всю информацию, представленную в данном документе(ах). **КРАЙНИЙ СРОК ДЛЯ ОБЖАЛОВАНИЯ:** Если Вы не согласны с представленным постановлением или решением, Вы должны подать заявление на обжалование данного документа до крайнего срока, указанного в нём. **НЕМЕДЛЕННО:** При необходимости звоните 866-239-0843 для получения помощи в переводе и понимании информации данного документа(ов).

### VAŽNO!

Ovaj dokument sadrži važne informacije o vašim pravima za naknadu nezaposlenosti, odgovornostima i/ili beneficijama. Veoma je važno da shvatite informacije u ovom dokumentu. **ROK ZA ŽALBU:** Ako se ne slažete s ovim određivanjem ili odlukom, morate uložiti žalbu prije roka navedenog u ovom dokumentu. **ODMAH:** Ako je potrebno, nazovite 866-239-0843 za pomoć u prijevodu i razumijevanju informacija u dokumentu(ima) kojeg ste primili.

### ໝາາງເຫລອ ສາ

ູ່ສຳຄັນ! ເອກະສານນີ້ປະກອບດ້ວຍຂໍ້ມູນທີ່ສຳຄັນກ່ຽວກັບສິດທິການຊົດເຊີຍການຫວ່າງງານ, ຄວາມຮັບຜິດຊອບ ແລະ/ຫຼືຜົນປະໂຫຍດຂອງທ່ານ. ມັນເປັນສິ່ງ ສຳ ຄັນທີ່ທ່ານຕ້ອງເຂົ້າໃຈຂໍ້ມູນໃນເອກະສານນີ້. ກຳນົດເວລາການອຸທອນ: ຖ້າທ່ານບໍ່ເຫັນດີກັບການກຳນົດ ຫຼືການຕັດສິນໃຈນີ້, ທ່ານຕ້ອງອິ້ນອຸທອນກ່ອນກຳນົດເວລາທີ່ລະບຸໄວ້ໃນເອກະສານນີ້. ທັນທີ: ຖ້າຕ້ອງການ, ໃຫ້ໃບຫາ 866-239-0843 ສຳລັບການຊ່ວຍເຫຼືອໃນການແປ ແລະຄວາມເຂົ້າໃຈຂອງຂໍ້ມູນໃນເອກະສານທີ່ທ່ານໄດ້ຮັບ.

### هام!

تحتوي هذه الوثيقة/ الوثائق على معلومات مهمة حول حقوق تعويض البطالة ومزاياها، لذا من الأهمية فهم المعلومات الواردة فيها. وإن كنت غير موافق على ما تحمله هذه الوثيقة/ الوثائق فيجب عليك تقديم استئناف قبل الموعد النهائي المشار إليه في هذه الوثيقة والاتصال فوراً على الرقم التالي: 866-239-0843 (٨٦٦٢٣٩٠٨٤٣) وإذا كنت بحاجة إلى مساعده في ترجمة وفهم المعلومات الواردة في هذه الوثيقة فلا تردد بالسؤال.