

IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI

TIM BOEVER  
1135 ONEIDA AVE  
DAVENPORT IA 52804

IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT

Appeal Number: 04A-UI-00623-CT  
OC: 12/28/03 R: 04  
Claimant: Appellant (1)

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319**.

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.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to 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. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.4(3) – Work Search Requirements

STATEMENT OF THE CASE:

Tim Boever filed an appeal from a representative's decision dated January 8, 2004, reference 01, which warned that he was to make at least two job contacts each week. After due notice was issued, a hearing was held by telephone on February 10, 2004. Mr. Boever participated personally.

FINDINGS OF FACT:

Having heard the testimony of the witness and having reviewed all the evidence in the record, the administrative law judge finds: Mr. Boever became separated from his employment with Titan Wheel on December 30, 2003 due to a permanent closure of the business. Prior to the

closing, a representative of Workforce Development met with the employees to explain job insurance benefits and to take claims. Mr. Boever could have looked for work on December 31 and January 2 but did not do so. He did not believe he had to seek work because he had worked two days that week and received holiday pay for a third day. He was not told that he did not have to seek work that week.

#### REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether the warning issued to Mr. Boever should be rescinded. As a condition of receiving job insurance benefits, an individual must actively and earnestly seek work. Iowa Code Section 96.4(3). Mr. Boever did not look for work during the week ending January 3, 2004 because of an erroneous belief that he did not have to. The administrative law judge believes he had adequate notice of the work search requirements of the law. The fact that he may have had only two days in which to seek work that week would not relieve him of the obligation to do so. Therefore, the warning shall stand.

The administrative law judge notes that the representative's decision which is the subject of this appeal was only a warning. It does not result in disqualification from benefits. If Mr. Boever fails to make the required two in-person job contacts at some future time, he is subject to disqualification at that point.

#### DECISION:

The representative's decision dated January 8, 2004, reference 01, is hereby affirmed. Mr. Boever is warned that he is to make at least two in-person job contacts each week unless notified differently by Workforce Development. Benefits are allowed, provided he satisfies all other conditions of eligibility.

cfc/b