

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

JOY D MORAVEC  
12508 RIDGEVIEW DR  
URBANDALE IA 50323

BARNES & NOBLE  
BOOKSELLERS INC  
c/o TALX UC EXPRESS  
PO BOX 283  
ST LOUIS MO 63166-0283

Appeal Number: 04A-UI-03994-AT  
OC: 02-08-04 R: 02  
Claimant: Respondent (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 96.5-3a – Refusal of Work

STATEMENT OF THE CASE:

Barnes & Noble Booksellers, Inc. filed a timely appeal from an unemployment insurance decision dated March 29, 2004 reference 01 which allowed benefits to Joy D. Moravec upon a finding that Barnes & Noble Booksellers made no offer of work to her on March 16, 2004. Due notice was issued for a telephone hearing to be held April 19, 2004. Since the company did not respond to the hearing notice, it was not necessary to take testimony from Ms. Moravec.

FINDINGS OF FACT:

Having examined all matters of record, the administrative law judge finds: Barnes & Noble Booksellers did not offer employment to Joy D. Moravec on March 16, 2004 or on any other

day. The company initiated a telephone pre-interview with Ms. Moravec on March 16, 2004. Ms. Moravec noted this when filing her weekly unemployment insurance claim. She has never been employed by Barnes & Noble.

REASONING AND CONCLUSIONS OF LAW:

The basis for the claim filed by the employer's representative is that it had no record of Ms. Moravec ever working for the company. Even a cursory reading of the decision from which the appeal was filed should have been enough to inform the representative that there had been no employment relationship and that the employer could not be charged with any benefits payable to Ms. Moravec. Such a reading would have made it possible to avoid a frivolous appeal.

DECISION:

The unemployment insurance decision dated March 29, 2004 reference 01 is affirmed. The claimant is entitled to receive unemployment insurance benefits, provided she is otherwise eligible.

sb/b