

**IN THE IOWA ADMINISTRATIVE HEARINGS DIVISION
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

DION M BORIDOR
Claimant

APPEAL NO. 24A-UI-06176-JT-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 04/28/24
Claimant: Appellant (1)**

Iowa Code Section 96.4(3) – Able & Available, Work Search Requirement

STATEMENT OF THE CASE:

On July 2, 2024, Dion Boridor (claimant) filed a timely appeal from the June 25, 2024 (reference 04) decision that denied benefits for the week that ended June 15, 2024, based on the deputy's conclusion that the claimant did not meet the reemployment activities requirement that week and had earlier been warned about the requirement. After due notice was issued, a hearing was held on July 18, 2024. Mr. Boridor participated. There were three appeal numbers set for a consolidated hearing: 24AUI06174JTT, 24AUI06175JTT, and 24AUI06176JTT. Exhibits A and B were received into evidence. The administrative law judge took official notice of the following agency administrative records: the reference 02, 03 and 04 decisions, DBRO, KCCO, NMRO, KFFV, WAGE, and the IowaWORKS.gov work search history and weekly certifications.

ISSUES:

Whether the claimant met the able and available requirements during the week that ended June 15, 2024.

Whether the claimant met the work search/reemployment activities requirement during the week that ended June 15, 2024.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

Dion Boridor (claimant) established an original claim for benefits that was effective April 28, 2024. At the time Mr. Boridor made his initial application for benefits, he acknowledged his obligation to read, know and follow the Unemployment Insurance Claimant Handbook. The Handbook included information about the work search/reemployment activities requirement. At the time of the initial application, Mr. Boridor also encountered a notice/warning on the confirmation screen about the work search/reemployment activities requirement and weekly claim reporting requirements.

On May 14, 2024, Iowa Workforce Development mailed the reference 02 work search/reemployment activities warning decision to Mr. Boridor. The reference 02 decision reminded Mr. Boridor that he was required to engage in four reemployment activities, including three job applications, each benefit week and warned he could be disqualified for benefits for future weeks in which he did not meet the work search/reemployment activities requirement. The reference 02 decision remains in effect. See Appeal Number 24AUI06174JTT.

During the week that ended June 8, 2024, Mr. Boridor applied for only one job and did not meet the three job application requirement. During that week, Mr. Boridor participated in two employment interviews and in an IWD Zoom workshop.

During the week that ended June 15, 2024, Mr. Boridor applied for only one job and did not meet the three job application requirement. During that week, Mr. Boridor participated in no employment interviews. During that week, Mr. Boridor participated in an IWD Zoom workshop and in a reemployment services and eligibility assessment (RESEA) appointment.

During the two-weeks between June 2 and June 15, 2024, Mr. Boridor was physically and mentally able to work.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.4(3) provides as follows:

96.4 Required findings. An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

3. a. The individual is able to work, is available for work, and is earnestly and actively seeking work. This subsection is waived if the individual is deemed partially unemployed, while employed at the individual's regular job, as defined in section 96.1A, subsection 37, paragraph "b", subparagraph (1), or temporarily unemployed as defined in section 96.1A, subsection 37, paragraph "c". The work search requirements of this subsection and the disqualification requirement for failure to apply for, or to accept suitable work of section 96.5, subsection 3, are waived if the individual is not disqualified for benefits under section 96.5, subsection 1, paragraph "h".

Iowa Admin. Code r. 871-24.22(2) provides:

Benefits eligibility conditions. For an individual to be eligible to receive benefits the department must find that the individual is able to work, available for work, and earnestly and actively seeking work. The individual bears the burden of establishing that the individual is able to work, available for work, and earnestly and actively seeking work.

(2) Available for work. The availability requirement is satisfied when an individual is willing, able, and ready to accept suitable work which the individual does not have good cause to refuse, that is, the individual is genuinely attached to the labor market. Since, under unemployment insurance laws, it is the availability of an individual that is required to be tested, the labor market must be described in terms of the individual. A labor market for an individual means a market for the type of service which the individual offers in the geographical area in which the individual offers the service. Market in that sense does not mean that job vacancies must exist; the purpose of unemployment insurance is to compensate for lack of job vacancies. It means only that the type of

services which an individual is offering is generally performed in the geographical area in which the individual is offering the services.

Iowa Admin. Code r. 871-24.23(28) provides:

Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(28) A claimant will be ineligible for benefits because of failure to make an adequate work search after having been previously warned and instructed to expand the search for work effort.

Mr. Boridor is not eligible for benefits for the week that ended June 15, 2024. Mr. Boridor's single job application during that week did not meet the availability and work search/reemployment requirements. Mr. Boridor had earlier been warned about the work search/reemployment activities requirement.

DECISION:

The June 25, 2024 (reference 04) decision is AFFIRMED. The claimant is not eligible for benefits for the week that ended June 15, 2024. The claimant did not meet the availability and work search/reemployment requirements and had earlier been warned about the work search/reemployment activities requirement.



James E. Timberland
Administrative Law Judge

July 19, 2024
Decision Dated and Mailed

jet/scn

APPEAL RIGHTS. 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 Ave Suite 100
Des Moines, Iowa 50321
Fax: (515)281-7191
Online: eab.iowa.gov**

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) 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.

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>.

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 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 this 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.

DERECHOS DE APELACIÓN. Si no está de acuerdo con la decisión, usted o cualquier parte interesada puede:

1. Apelar a la Junta de Apelaciones de Empleo dentro de los quince (15) días de la fecha bajo la firma del juez presentando una apelación por escrito por correo, fax o en línea a:

**Employment Appeal Board
6200 Park Ave Suite 100
Des Moines, Iowa 50321
Fax: (515)281-7191
En línea: eab.iowa.gov**

El período de apelación se extenderá hasta el siguiente día hábil si el último día para apelar cae en fin de semana o día feriado legal.

UNA APELACIÓN A LA JUNTA DEBE ESTABLECER CLARAMENTE:

- 1) El nombre, dirección y número de seguro social del reclamante.
- 2) Una referencia a la decisión de la que se toma la apelación.
- 3) Que se interponga recurso de apelación contra tal decisión y se firme dicho recurso.
- 4) Los fundamentos en que se funda dicho recurso.

Una decisión de la Junta de Apelaciones de Empleo es una acción final de la agencia. Si una de las partes no está de acuerdo con la decisión de la Junta de Apelación de Empleo, puede presentar una petición de revisión judicial en el tribunal de distrito.

2. Si nadie presenta una apelación de la decisión del juez ante la Junta de Apelaciones Laborales dentro de los quince (15) días, la decisión se convierte en acción final de la agencia y usted tiene la opción de presentar una petición de revisión judicial en el Tribunal de Distrito dentro de los treinta (30) días después de que la decisión adquiriera firmeza. Puede encontrar información adicional sobre cómo presentar una petición en el Código de Iowa §17A.19, que está en línea en <https://www.legis.iowa.gov/docs/code/17A.19.pdf>.

Nota para las partes: USTED PUEDE REPRESENTARSE en la apelación u obtener un abogado u otra parte interesada para que lo haga, siempre que no haya gastos para Workforce Development. Si desea ser representado por un abogado, puede obtener los servicios de un abogado privado o uno cuyos servicios se paguen con fondos públicos.

Nota para el reclamante: es importante que presente su reclamo semanal según las instrucciones, mientras esta apelación está pendiente, para proteger su derecho continuo a los beneficios.

SERVICIO DE INFORMACIÓN:

Se envió por correo una copia fiel y correcta de esta decisión a cada una de las partes enumeradas.