

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

MATT G SPAANS
2964 HICKORY AVE
HULL IA 51239

HERM BOONSTRA
3630 – 330TH ST
HULL IA 51239

Appeal Number: 05A-UI-07197-AT
OC: 05/29/05 R: 01
Claimant: Respondent (4)

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, 4th 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.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.7-2-a – Relief from Charges

STATEMENT OF THE CASE:

Herm Boonstra filed a timely appeal from an unemployment insurance decision dated June 22, 2005, reference 01, which indicated that he could be charged with unemployment insurance benefits paid to Matt G. Spaans. After reviewing all matters of record, the administrative law judge concludes that no additional evidence is necessary.

FINDINGS OF FACT:

Having examined all matters of record, the administrative law judge finds: Iowa Workforce Development has determined that Herm Boonstra is an agricultural employer who is not

covered by the provisions of Iowa Code Chapter 96. Wages paid by Mr. Boonstra are not used to compute unemployment insurance benefits to which Mr. Spaans may be eligible.

REASONING AND CONCLUSIONS OF LAW:

Mr. Boonstra has not questioned Mr. Spaans' eligibility for benefits. The only question raised in this appeal is whether Mr. Boonstra may be charged for benefits paid to Mr. Spaans. Clearly he cannot be charged because the agency has determined that his agricultural operation is exempt from the provisions of Iowa Code Chapter 96.

DECISION:

The unemployment insurance decision dated June 22, 2005, reference 01, is modified. The claimant is entitled to receive unemployment insurance benefits, provided he is otherwise eligible. No benefits shall be charged to Herm Boonstra.

kjf/kjw