

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

JORDAN A BLAKE
Claimant

APPEAL NO. 17A-UI-11064-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TMONE LLC
Employer

OC: 10/15/17
Claimant: Respondent (1R)

Iowa Code Section 96.5(3) – Work Refusal

STATEMENT OF THE CASE:

The employer filed a timely appeal from the October 25, 2017, reference 02, decision that allowed benefits to the claimant provided he was otherwise eligible, based on the claims deputy's conclusion that a purported work refusal on April 17, 2017 occurred at a time when there was no unemployment insurance claim in effect. After due notice was issued, a hearing was held on November 17, 2017. Claimant Jordan Blake did not respond to the hearing notice instructions to register a telephone number for the hearing and did not participate. Ciera Turner represented the employer. Exhibits 1 and 2 were received into evidence.

ISSUES:

Whether the claimant refused an offer of suitable work without good cause at a time when an unemployment insurance claim was in effect.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Jordan Blake established an unemployment insurance claim that was effective October 15, 2017. At the time he established the claim, his most recent contact with employer TmOne, L.L.C., had been March or April 2017. Mr. Blake did not have an unemployment insurance claim at that time. The employer has not contacted Mr. Blake since he established the claim for benefits that was effective October 15, 2017.

REASONING AND CONCLUSIONS OF LAW:

A claimant who fails to accept an offer of suitable employment without good cause is disqualified for benefits until the claimant earns ten times his weekly benefit amount from insured work. See Iowa Code section 96.5(3)(a).

Iowa Admin. Code r. 871-24.24(8) provides:

(8) Refusal disqualification jurisdiction. Both the offer of work or the order to apply for work and the claimant's accompanying refusal must occur within the individual's benefit

year, as defined in subrule 24.1(21), before the Iowa code subsection 96.5(3) disqualification can be imposed. It is not necessary that the offer, the order, or the refusal occur in a week in which the claimant filed a weekly claim for benefits before the disqualification can be imposed.

Prior to the appeal hearing in this matter, the relevant unemployment insurance issue was erroneously characterized as a work refusal issue. The evidence in the record fails to establish a work refusal or a work refusal at any time when a claim for unemployment insurance benefits was in effect. Accordingly, no disqualification may enter based a purported work refusal. The claimant remains eligible for benefits provided he meets all other eligibility requirements.

The employer's concern raised in the appeal letter actually deals with a separation from employment, not a refusal of suitable work subsequent to a separation from employment. Accordingly, this matter will be remanded to the Benefits Bureau for adjudication of the employer's liability for benefits and the claimant's eligibility for benefits in connection with the March or April 2017 separation from the employment.

DECISION:

The October 25, 2017, reference 02, decision is affirmed. There was no work refusal at a time when a claim for unemployment insurance benefits was in effect. The claimant remains eligible for benefits provided he meets all other eligibility requirements.

This matter is remanded to the Benefits Bureau for adjudication of the employer's liability for benefits and the claimant's eligibility for benefits in connection with the March or April 2017 employment separation.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/rvs