

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DANIEL F ANDERSON**  
Claimant

**APPEAL NO: 15A-UI-13284-JE-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**TEMP ASSOCIATES – BURLINGTON INC**  
Employer

**OC: 11/01/15**  
**Claimant: Respondent (1)**

Section 96.5(3)a – Work Refusal

**STATEMENT OF THE CASE:**

The employer filed a timely appeal from the November 30, 2015, reference 01, decision that allowed benefits to the claimant. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on December 21, 2015. The claimant participated in the hearing. Sue Watkins, Branch Manager, participated in the hearing on behalf of the employer.

**ISSUE:**

The issue is whether the claimant refused a suitable offer of work.

**FINDINGS OF FACT:**

The employer made an offer of work to the claimant on April 14, 2015. That offer included the following terms: A temp-to-hire position with Rail One working as a general laborer earning \$10 per hour during the first 90 days and \$12 per hour after that time. The candidate needed to be able to drive a forklift and have a driver's license. The offer was made through a mass text message. The claimant contacted the employer and stated he was busy and could not accept the offer. The claimant's average weekly wage is \$489.49. The claimant did not have a valid claim for unemployment insurance benefits at the time, as the effective date of his claim is November 1, 2015.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant did not refuse a suitable offer of work.

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.

After reviewing the testimony and administrative records of the Department, the administrative law judge finds she does not have jurisdiction to evaluate the offer or refusal of work since the offer of employment took place outside of the claimant's benefit year. The offers of work were made April 13 and April 14, 2015. The claimant did not file his first claim for benefits until November 1, 2015. Therefore, benefits must be allowed as the administrative law judge lacks the jurisdiction to make a decision on this matter because the claimant did not have a valid claim for benefits at the time of the offers.

**DECISION:**

The November 30, 2015, reference 01, decision is affirmed. The claimant did not refuse a suitable offer of work. While the claimant did refuse a potential offer of work, the offer was made outside of his benefit year. Consequently, the administrative law judge has no jurisdiction to determine the suitability of the offer. Therefore, benefits are allowed, provided the claimant is otherwise eligible.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

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