

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CHARLES B GUERRA
Claimant

APPEAL NO. 10A-UI-17123-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**ANNA ENTERPRISES
STAFFING SOLUTIONS**
Employer

**OC: 11/07/10
Claimant: Respondent (1)**

Section 96.5-3-a – Offer of Suitable Work
871 IAC 24.24(8) – Refusal Within Individual's Benefit Year

STATEMENT OF THE CASE:

The employer filed a timely appeal from a representative's decision dated December 10, 2010, reference 01, which held the claimant eligible to receive unemployment insurance benefits, finding that his refusal of an offer of work did not take place while the claimant had an unemployment insurance claim. After due notice was issued, a telephone hearing was held on February 7, 2011. The claimant participated personally. The employer participated by Katherine Druivenga, assistant manager.

ISSUE:

At issue is whether the claimant refused an offer of suitable work within his benefit year.

FINDINGS OF FACT:

Having considered the evidence in the record, the administrative law judge finds: Charles Guerra was employed by Staffing Solutions taking one-day job assignments on April 5, 2010; June 28, 2010; and August 15, 2010. The claimant did not accept an offer of a one-day job assignment for August 18, 2010, because he had been offered work that was preferable by a different temporary employment agency. Mr. Guerra did not open a claim for unemployment insurance benefits until the week of November 7, 2010.

REASONING AND CONCLUSIONS OF LAW:

The question before the administrative law judge is whether the claimant refused an offer of suitable work within his benefit year. He did not.

871 IAC 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.

Based upon the evidence in the record, the administrative law judge concludes that the claimant did not refuse an offer of suitable work during his benefit year for unemployment insurance benefits. The claimant did not file a claim for unemployment insurance benefits until substantially later with an effective date of November 7, 2010. As the claimant's refusal took place on August 18, 2010, the refusal did not take place within the benefit year as defined in subrule 24.1(21). The claimant is eligible for unemployment insurance benefits, provided he meets all other eligibility requirements of Iowa law.

DECISION:

The representative's decision dated December 10, 2010, reference 01, is affirmed. The claimant is eligible to receive unemployment insurance benefits, provided he meets all other eligibility requirements of Iowa law.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw