

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

GEORGE E BARBER
Claimant

APPEAL NO. 13A-UI-13841-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**SUNDOWN MOUNTAIN
MGV INC**
Employer

OC: 11/03/13
Claimant: Respondent (1)

Section 96.5-3-a – Refusal to Accept Suitable Work

STATEMENT OF THE CASE:

Sundown Mountain (employer) appealed a representative's December 9, 2013, decision (reference 02) that concluded George Barber (claimant) eligible to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for January 13, 2014. The claimant participated personally. The employer participated by Tom Kutsch, Operations Director, and June Lewis, Assistant Operations Director.

ISSUE:

The issue is whether the claimant refused suitable work.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant worked for the employer from December 6, 2012, to March 23, 2013, as a part-time lift operator. On or about November 13, 2013, the employer discussed the claimant's return to work for the employer. The claimant refused because he was working 25 to 30 hours per week with another employer.

REASONING AND CONCLUSIONS OF LAW:

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

871 IAC 24.24(7) provides:

(7) Gainfully employed outside of area where job is offered. Two reasons which generally would be good cause for not accepting an offer of work would be if the claimant were gainfully employed elsewhere or the claimant did not reside in the area where the job was offered.

The claimant was employed at another job. This is good cause for refusing work. The claimant is qualified to receive benefits because no offer of suitable work was made to the claimant.

DECISION:

The representative's December 9, 2013, decision (reference 02) is affirmed. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/pjs