

BEFORE THE
EMPLOYMENT APPEAL BOARD
Lucas State Office Building
Fourth floor
Des Moines, Iowa 50319

SHANE M DEAN

Claimant,

and

CENTRAL IOWA LAWN & HOME CARE
INC

Employer.

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HEARING NUMBER: 08B-UI-01683

EMPLOYMENT APPEAL BOARD
DECISION

NOTICE

THIS DECISION BECOMES FINAL unless (1) a **request for a REHEARING** is filed with the Employment Appeal Board within **20 days** of the date of the Board's decision or, (2) a **PETITION TO DISTRICT COURT** IS FILED WITHIN **30 days** of the date of the Board's decision.

A **REHEARING REQUEST** shall state the specific grounds and relief sought. If the rehearing request is denied, a petition may be filed in **DISTRICT COURT** within **30 days** of the date of the denial.

SECTION: 96.5(3)a

DECISION

UNEMPLOYMENT BENEFITS ARE ALLOWED IF OTHERWISE ELIGIBLE

The Employer appealed this case to the Employment Appeal Board. Two members of the Employment Appeal Board reviewed the entire record. The Appeal Board finds the administrative law judge's decision is correct. The administrative law judge's Findings of Fact and Reasoning and Conclusions of Law are adopted by the Board as its own. The administrative law judge's decision is **AFFIRMED**.

The Employment Appeal Board notes that today's finding only means that the Claimant is not disqualified based on his January 3, 2008 refusal of work. This finding does not alter the previous determination that the Claimant is disqualified for his December 2007 refusal of suitable work referenced by the Employer in its appeal. Thus the Administrative Law Judge's decision, which we have today adopted as our own, states in this case that benefits are to be allowed only provided that the Claimant "is not otherwise disqualified from receiving benefits." The information available to the Board is that the Claimant was disqualified based on the December refusal and that he is not currently collecting benefits. Of course, if the Claimant

works in and is paid wages for insured work equal to ten times his weekly benefit amount following the December refusal he will no longer be disqualified by that refusal. But until he does he would remain disqualified and nothing we hold today would alter this one way or the other. Again, all we rule today is that the Claimant is not also disqualified based on the January 3 refusal of work.

Elizabeth L. Seiser

John A. Peno

RRA/fnv