

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**LEILA G PILLARD**  
Claimant

**APPEAL NO. 08A-UI-04853-NT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**KALEIDESCOPE INDUSTRIES INC**  
Employer

**OC: 04/13/08 R: 04**  
**Claimant: Respondent (1)**

Section 96.5-3-a – Refusal of Suitable Work  
871 IAC 24.24 (14) – Employment Offer From Former Employer

**STATEMENT OF THE CASE:**

Employer filed an appeal from a decision of a representative dated May 14, 2008, reference 02, which held claimant eligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on June 4, 2008. Claimant participated. Employer participated by Paul Greufe, Resource Director.

**ISSUE:**

The issue in this matter is whether the claimant refused to accept a suitable offer of employment.

**FINDINGS OF FACT:**

The administrative law judge having heard the testimony and considered all of the evidence in the record, finds: The claimant worked for this employer until April 14, 2008 when she was separated due to lack of work when the facility where she was assigned to work closed. Ms. Pillard worked as a waitress. Prior to being informed that the business was closing, the claimant was offered the chance to accept employment as a cook working later hours. As the claimant was unaware that the facility where she was working was to be closed, she declined the offer. Subsequently after being separated from employment, Ms. Pillard opened a claim for unemployment insurance benefits. The claimant has not received an offer of work from the employer since opening her claim for benefits. At the time that the claimant refused the offer of other work she did so because she did not have experience as a cook and did not want to work the later hours. The claimant did not know at that time, however, that the employment was ending. Since opening her claim for benefits the claimant has actively sought re-employment by contacting perspective employers each week that she claims benefits.

**REASONING AND CONCLUSIONS OF LAW:**

The question before the administrative law judge is whether the claimant received a bona fide offer of work that occurred within the individual's unemployment insurance benefit year. She did

not. The evidence in the record clearly establishes that the offer of other work was made prior to the claimant's employment with Maid Rite ending and the claimant was not aware at that time that her employment with the company at its present location was coming to an end. The offer was made prior to the opening of the claimant's claim for unemployment insurance benefits.

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.

For the reasons stated herein the administrative law judge concludes that the offer of work and the accompanying refusal did not occur within Ms. Pillard's benefit year. Thus, the claimant's refusal is not disqualifying under the provisions of the Iowa Employment Security Law.

**DECISION:**

The representative's decision dated May 14, 2008, reference 02, is hereby affirmed. The claimant did not refuse an offer of suitable work. Unemployment insurance benefits are allowed, providing the claimant meets all other eligibility requirements of Iowa law.

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Terence P. Nice  
Administrative Law Judge

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Decision Dated and Mailed

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