

871 IAC 24.24(2)“b” provides:

Job within claimant’s capabilities. If the claimant, separated for lack of work, fails to accept work offered by the employer on recall or fails to apply for work when directed by a representative of the department, such failure shall constitute a refusal of suitable work. In such a situation said claimant shall be disqualified for failure to apply for or accept an offer to work until such time as the individual shall have worked in (except in back pay awards) and been paid wages for insured work equal to ten times the individual’s weekly benefit amount, provided the individual is otherwise eligible.

The Employment Appeal Board concludes that the record as it stands is insufficient for the Board to issue a decision on the merits of the case. Although the administrative law judge's elicited some testimony about a job offer, there was nothing in the record about the job from which the Claimant had been laid off. The issue of whether the Claimant was recalled and offered suitable work was relevant to the outcome of this matter; however, it was not noticed for the parties to present evidence on either side at the hearing. For this reason, the Board shall remand this matter for further consideration.

DECISION:

The decision of the administrative law judge dated July 24, 2013 is not vacated. This matter is remanded to the Iowa Workforce Development Center, Claims Section, for a determination of whether the Claimant was recalled to work and whether he refused a suitable offer of work. That decision shall provide the parties appeal rights.

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AMG/fnv