

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

STEVEN W DEAN

Claimant

APPEAL NO. 13A-UI-07493-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

FIRST BAPTIST HOUSING FOUNDATION

Employer

OC: 06/02/13

Claimant: Respondent (1)

Iowa Code §96.5(3)a – Work Refusal

STATEMENT OF THE CASE:

The employer filed an appeal from the June 17, 2013, (reference 01) unemployment insurance decision that allowed benefits. After due notice was issued a hearing was held on July 29, 2013. Claimant participated. Employer participated through Agnes Casey, payroll clerk and Frank Spoerl, former Administrator.

ISSUE:

Did the claimant have a valid claim for benefits on file when he was offered work?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full time as a maintenance worker from December 7, 2010 through May 31, 2013. The business was sold to a new employer. As of May 31, 2013 the new employer planned on keeping the claimant as an employee, but the old employer, First Baptist Housing Foundation had no further work to offer the claimant as the business had been sold. During a meeting held with all employees on May 24, 2013 the claimant was told he would be required to pass a drug test and background check and to fill out a new application for employment. He was also told about changes to his insurance. He opted not to seek employment with the new employer because of what he saw as a change in benefits. An employee is not obligated to seek employment with the new employer. The claimant filed a claim for benefits with an effective date of June 2, 2013. When he chose not to seek new employment with the new employer he did not have a valid claim for unemployment insurance benefits on file with the agency.

REASONING AND CONCLUSIONS OF LAW:

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

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.

The claimant employer, First Baptist Housing Foundation had no additional work to offer the claimant. His separation from them is correctly view as a layoff due to lack of work. The claimant was not automatically guaranteed work with the new employer; he had to pass both a drug test and a new background check. The claimant did not apply for new work with the employer. The administrative law judge does not have jurisdiction to evaluate the offer or refusal of work since the offer of employment took place outside of the benefit year. Benefits are allowed.

DECISION:

The June 17, 2013, reference 01, decision is affirmed. Claimant did refuse an offer of work made outside of his benefit year; thus, the administrative law judge has no jurisdiction to determine suitability of the offer.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/pjs