

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

JERALD F NAGLE
Claimant

APPEAL NO: 20A-UI-10338-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

JACK VINCENT JR
Employer

OC: 05/24/20
Claimant: Appellant (2-R)

Section 96.5(3)a – Work Refusal

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the August 20, 2020, reference 01, decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on October 12, 2020. The claimant participated in the hearing. The employer did not respond to the hearing notice and did not participate in the hearing.

ISSUE:

The issue is whether the claimant refused a suitable offer of work.

FINDINGS OF FACT:

The claimant worked for the employer as a dump truck driver until COVID-19 struck in March 2020 and the employer did not have any further work for the claimant. The claimant accepted another position at Reliable Property Maintenance in Spirit Lake and moved to Spirit Lake but has not had work in that job due to COVID-19. He has not been recalled to his job with the employer and the employer has not made a further offer of work to the claimant.

There are issues regarding the claimant's separation from this employer that have not yet been heard or adjudicated.

REASONING AND CONCLUSIONS OF LAW:

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

The employer has not recalled the claimant to work or made him an offer of work since he was laid off due to a lack of work at the beginning of the pandemic. The claimant moved to Spirit Lake (no date provided) to accept other employment but was laid off from that employer as well. Because the claimant did not refuse a suitable offer of work or recall to work, benefits are allowed.

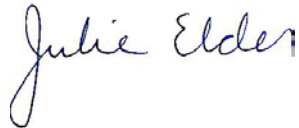
The issue of whether the claimant's separation from this employer is disqualifying is remanded to the Benefits Bureau for an initial determination and adjudication.

DECISION:

The August 20, 2020, reference 01, decision is reversed. The claimant did not refuse a suitable offer of work. Benefits are allowed, provided the claimant is otherwise eligible.

REMAND:

The issue of whether the claimant's separation from this employer is disqualifying is remanded to the Benefits Bureau for an initial investigation and adjudication.



Julie Elder
Administrative Law Judge

October 13, 2020
Decision Dated and Mailed

je/scn