

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TANNER HOLLINGSWORTH
Claimant

APPEAL NO. 11A-UI-06535-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

CITY OF NORTH LIBERTY
Employer

OC: 04/03/11
Claimant: Respondent (1/R)

Section 96.5-3-a – Refusal to Accept Suitable Work

STATEMENT OF THE CASE:

City of North Liberty (employer) appealed a representative's May 4, 2011 decision (reference 01) that concluded Tanner Hollingsworth (claimant) eligible to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for June 13, 2011. The claimant did not provide a telephone number for the hearing and, therefore, did not participate. The employer was represented by Scott Peterson, City Attorney, and participated by Debra Hilton, Human Resources Director, and Guy Goldsmith, Parks Director.

ISSUE:

The issue is whether the claimant refused suitable work.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on March 18, 2011, as a full-time seasonal groundskeeper. On March 2, 2011, the employer offered the claimant to return to work. The claimant refused work indicating he was moving out of state. The claimant's mailing address is in Colorado.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant is able and available for work. For the following reasons the administrative law judge concludes he is.

Claimant moved to another state. A claimant who moves to another state shall not be subject to disqualification for refusal to return to a previously held job. 871 IAC 24.24(13).

Inasmuch as the claimant has moved out of state, he is not disqualified for refusing to return to work with the employer the claimant is qualified to receive unemployment insurance benefits.

DECISION:

The representative's May 4, 2011 decision (reference 01) is affirmed. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible. The issue of the claimant's separation from employment is remanded for determination.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/css