

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

TONI L ZINNEL
Claimant

APPEAL 15A-UI-14160-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**HUMBOLDT COUNTY MEMORIAL
HOSPITAL**
Employer

**OC: 12/06/15
Claimant: Respondent (1)**

Iowa Code §96.5(3)a – Work Refusal

STATEMENT OF THE CASE:

The employer filed an appeal from the December 16, 2015, (reference 02) unemployment insurance decision that allowed benefits. The parties were properly notified about the hearing. A telephone hearing was held on January 15, 2016, Claimant participated. Employer participated through Mary Moritz, Human Resources Director.

ISSUE:

Did claimant have a valid claim for unemployment insurance benefits pending when an offer of work was made to her?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed a claim for benefits with an effective date of December 6, 2015. On August 28, 2015 when an offer of employment could have been made, the claimant did not have a valid unemployment claim pending.

REASONING AND CONCLUSIONS OF LAW:

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

Iowa Admin. Code r. 871-24.24(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 administrative law judge does not have jurisdiction to evaluate any potential offer or refusal of work since the offer of employment took place outside of the benefit year. Benefits are allowed, **provided the claimant is otherwise eligible.**

DECISION:

The December 16, 2015, reference 02, decision is affirmed. Benefits are allowed, **provided the claimant is otherwise eligible.**

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/pjs