

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**LEROY J RUFF**  
Claimant

**APPEAL NO. 12A-UI-09125-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**PEOPLESERVICE INC**  
Employer

**OC: 05/27/12**  
**Claimant: Respondent (1)**

Iowa Code Section 96.5(3)(a) – Refusal of Suitable Work

**STATEMENT OF THE CASE:**

Peopleservice, Inc., filed a timely appeal from the July 20, 2012, reference 03, decision that allowed benefits based on an agency conclusion that claimant, Leroy Ruff's refusal of an offer of employment with Peopleservice, Inc., occurred prior to Mr. Ruff's claim for unemployment insurance benefits. After due notice was issued, a hearing was held on September 18, 2012. The hearing in this matter was consolidated with the hearing in Appeal Number 12A-UI-09727-JTT that concerned claimant Timothy Bebee and the same employer. The hearing was also consolidated with reopened proceedings in Appeal Number 12A-UI-08454-JTT, concerning Mr. Bebee and employer City of Chariton, and Appeal Number 12A-UI-08455-JTT, concerning Mr. Ruff and employer City of Chariton. Mr. Bebee and Mr. Ruff each participated. Verle Norris, City Attorney for the City of Chariton, represented both employers. The parties stipulated to use of the record earlier made in Appeal Numbers 12A-UI-08454-JTT and 12A-UI-08455-JTT as the record for consolidated hearing on September 18, 2012. That record included the digital audio record and Exhibits One through Five. Mr. Ruff was the only witness to provide testimony on September 18.

**ISSUE:**

Whether Mr. Ruff is disqualified for unemployment insurance benefits under Iowa Code section 96.5(3) as a result of refusing offers of employment with employer Peopleservice, Inc., prior to establishing his claim for unemployment insurance benefits. The administrative law judge concludes that the work refusal disqualification under Iowa Code section 96.5(3) does not apply because the offers and refusals occurred prior to Mr. Ruff's claim for unemployment insurance benefits.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Leroy Ruff worked for the City of Chariton as a waste water technician in 2012 during a period in which the City of Chariton was negotiating with and entering into a three-year contract with Peopleservice, Inc., to have Peopleservice operate the City's wastewater treatment plant and municipal sanitary sewer collection system. The contract took effect on June 1, 2012. The City of

Chariton wanted Mr. Ruff to consent to becoming an employee of Peopleservice, Inc. Tim Snyder of Peopleservice made an initial offer of employment to Mr. Ruff on May 10, 2012. Mr. Ruff rejected that offer on May 14, 2012. Thereafter, Mr. Snyder made a second, amended offer of employment to Mr. Ruff on May 21, 2012. Mr. Ruff rejected the second offer on May 24, 2012. There were no further offers made. Mr. Ruff last performed work for the City of Chariton on May 31, 2012. Mr. Ruff established a claim for unemployment insurance benefits that was effective May 27, 2012.

## **REASONING AND CONCLUSIONS OF LAW:**

If a claimant fails, without good cause, to accept suitable work when offered to the claimant, the claimant is disqualified for unemployment insurance benefits until the claimant has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible. See Iowa Code section 96.5(3).

Iowa Administrative Code section 871 IAC 24.24(8) provides as follows:

*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.

Iowa Administrative Code section 871 IAC 24.1(21) defines benefit year as follows:

*Benefit year, individual.* The benefit year is a period of 365 days (366 in a leap year) beginning with and including the starting date of the benefit year. The starting date of the benefit year is always on Sunday and is usually the Sunday of the current week in which the claimant first files a valid claim unless the claim is backdated as allowed under subrule 24.2(1), paragraph "h."

Mr. Ruff's benefit year started on May 27, 2012. This was the Sunday of the week in which Mr. Ruff applied for unemployment insurance benefits. Both the May 10, 2012 and the May 21, 2012 offers were made and rejected prior to the start of Mr. Bebee's benefit year. The most recent rejection occurred on May 24, 2012. For that reason, the work refusal disqualification in Iowa Code section 96.5(3) does not apply and cannot serve as a basis for disqualifying Mr. Ruff for unemployment insurance benefits.

**DECISION:**

The Agency representative's July 20, 2012, reference 03, decision is affirmed. The offers of employment and rejection of the same occurred prior to the start of the claimant's benefit year. Accordingly, the work refusal disqualification contained in Iowa Code section 96.5(3) does not apply and cannot be used as the basis for disqualifying the claimant for unemployment insurance benefits.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

jet/pjs