

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CHAD M HAYSLETT
Claimant

KLEIMAN CONSTRUCTION INC
Employer

APPEAL 16A-UI-13737-NM-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 12/11/16
Claimant: Respondent (1)**

Iowa Code § 96.5(3)a – Failure to Accept Work

STATEMENT OF THE CASE:

The employer filed an appeal from the December 21, 2016, (reference 02) unemployment insurance decision that allowed benefits. The parties were properly notified of the hearing. A telephone hearing was held on January 19, 2017. The claimant Chad Hayslett participated and testified. The employer Kleinman Construction Inc. participated through Controller Cynthia Ferring.

ISSUE:

Did the claimant refuse a suitable offer of work?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was offered work on or about December 8, 2016 when the employer offered him work at a job site in Dubuque, Iowa. The claimant declined the offer, as the work site was approximately an hour and a half drive, one way, from his residence and did not return to work. The claimant filed a claim for unemployment insurance benefits with an effective date of December 11, 2016, after any offers of work would have been made to him. Claimant did not have a valid claim for unemployment insurance benefits at the time any potential offers of employment were made to him.

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 the 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 21, 2016, (reference 02), decision is affirmed. Any offer of work was made outside the claimant's benefit year, thus, the administrative law judge has no jurisdiction to determine suitability of the offer. Benefits are allowed, provided claimant is otherwise eligible.

Nicole Merrill
Administrative Law Judge

Decision Dated and Mailed

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