

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CATHY FOREMAN
Claimant

APPEAL NO. 07A-UI-10971-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

PALMER COMPANIES INC
Employer

**OC: 10-28-07 R: 03
Claimant: Respondent (1)**

Section 96.5(3)a – Work Refusal
871 IAC 24.24(8) – No Valid Unemployment Insurance Claim

STATEMENT OF THE CASE:

The employer filed a timely appeal from the November 21, 2007, reference 01, decision that allowed benefits to the claimant. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on December 12, 2007. The claimant did not respond to the hearing notice and did not participate in the hearing or request a postponement of the hearing as required by the hearing notice. Amy Vokoun, Staffing Consultant, participated in the hearing on behalf of the employer.

ISSUE:

The issue is whether the claimant had a valid claim for benefits at the time she refused a suitable offer of work.

FINDINGS OF FACT:

The claimant filed a claim for unemployment insurance benefits with an effective date of October 28, 2007. The employer made an offer of work to the claimant October 18, 2007. The terms of the offer were: full-time work as a Legal Process Specialist for Wells Fargo Mortgage Company earning \$14.00 per hour. The claimant initially expressed interest in the position but called the employer October 19, 2007, and indicated she had an interview with another company and wanted to wait until that was completed and then called again and said she was not interested in the job offer.

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.

871 IAC 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.

871 IAC 24.24(7) provides:

(7) Gainfully employed outside of area where job is offered. Two reasons which generally would be good cause for not accepting an offer of work would be if the claimant were gainfully employed elsewhere or the claimant did not reside in the area where the job was offered.

While the offer appears to be suitable, it did not occur during the time the claimant had a valid claim for unemployment insurance benefits. Consequently, regardless of the suitability of the offer, because it was not made when the claimant had a valid claim for benefits, it cannot be considered. 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. Therefore, benefits must be allowed.

DECISION:

The November 21, 2007, reference 01, decision is affirmed. The claimant did refuse an offer of work made outside of her benefit year; thus, the administrative law judge has no jurisdiction to determine the suitability of the offer. Benefits are allowed, provided the claimant is otherwise eligible.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/css