

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ALYASSIRI, ZAHRA, I**  
Claimant

**APPEAL NO. 13A-UI-01490-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**HABIBA RESTAURANT LLC**  
Employer

**OC: 01/13/13**  
**Claimant: Respondent (5-R)**

Iowa Code Section 96.5(3) – Work Refusal

**STATEMENT OF THE CASE:**

The employer filed a timely appeal from the January 29, 2013, reference 01, decision that allowed benefits to the claimant provided she was otherwise eligible, based on an agency conclusion that a purported offer of employment on June 3, 2012 occurred before the claimant had established her claim for benefits. After due notice was issued, a hearing was held on March 7, 2013. The claimant did not respond to the hearing notice and did not participate in the hearing. Babar Ijaz, Owner, represented the employer. The administrative law judge took official notice of the agency's administrative record (DBRO and WAGEA) of the claimant's January 13, 2013 claim, the benefits disbursed to the claimant, and the base period employers in interest.

**ISSUE:**

Whether the claimant refused an offer suitable employment at a time when she was claiming unemployment insurance benefits. The administrative law judge concludes that the employer misstated the issue when the employer responded to the notice of claim. The administrative law judge concludes the matter must be remanded to the Claims Division for adjudication of the separation.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The employer operates a restaurant in Marion. The claimant worked for the employer on a part-time basis from April 19, 2012 until June 3, 2012. The employer has had no contact with the claimant since June 3, 2012.

**REASONING AND CONCLUSIONS OF LAW:**

A claimant who fails to accept an offer of suitable employment without good cause at a time when the claimant has a claim for unemployment insurance benefits is disqualified for benefits until the claimant earns ten times her weekly benefit amount from insured work. See Iowa Code section 96.5(3)(a).

The claimant did not participate in the appeal hearing. For that reason, the administrative law judge could not add the issues concerning the claimant's *separation* from the employment as issues to be addressed as part of the appeal hearing. The employer's concerns do *not* involve an offer of work and/or work refusal. Instead, the employer's concerns pertain to the claimant's *separation* from the employment and the employer's liability for benefits based on the separation. The employer misstated the issue when the employer responded, in a timely manner, to the notice of claim. The employer's contact with the claimant from April 2012 to June 2012 did not have anything to do with an offer of employment or refusal of such offer. There has been no contact between the parties, and no offer of work or refusal of work, since the claimant established her claim for unemployment insurance benefits.

**DECISION:**

The Agency representative's January 29, 2013, reference 01, is modified as follows. There was no offer of employment or refusal of an offer of employment in June 2012. Even if there had been, the contact between the parties predated the claim for benefits and would have no effect on the claimant's eligibility for benefits.

This matter is remanded to the Claims Division for adjudication of the claimant's eligibility for benefits and the employer's liability for benefits based on the separation from the employer on June 3, 2012. Note: The claimant appears to have requalified for benefits since she separated from this employer.

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James E. Timberland  
Administrative Law Judge

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Decision Dated and Mailed

jet/css