

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**LAMONT D TAYLOR**  
Claimant

**APPEAL NO. 09A-UI-11751-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**LF STAFFING SERVICES INC**  
**LABOR FINDERS**  
Employer

**Original Claim: 05/31/09**  
**Claimant: Respondent (1)**

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

**STATEMENT OF THE CASE:**

The employer filed a timely appeal from the August 4, 2009, reference 03, decision that allowed benefits. After due notice was issued, a hearing was held on August 31, 2009. Claimant Lamont Taylor did not respond to the hearing notice instructions to provide a telephone number for the hearing and did not participate. Tracy Gutknecht, Branch Manager, represented the employer.

**ISSUE:**

Whether the claimant refused to accept a suitable offer of employment at a time when he had an active claim for unemployment insurance benefits.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Lamont Taylor performed work for the employer in a one-day assignment on July 27, 2008. On April 24, 2009, the employer offered an assignment to Mr. Taylor and Mr. Taylor declined the offered assignment. There was no further contact between the employer and Mr. Taylor. On April 24, 2009, Mr. Taylor had not yet established a claim for unemployment insurance benefits. Mr. Taylor later established a claim for benefits that was effective May 31, 2009.

**REASONING AND CONCLUSIONS OF LAW:**

Where a claimant refuses an offer of suitable work without good cause, the claimant is disqualified for benefits until he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount. See Iowa Code section 96.5(3).

But, 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.

The weight of the evidence indicates that any offer and any refusal occurred at a time when Mr. Taylor did not have a claim for unemployment insurance benefits in effect. Accordingly, the refusal would not disqualify Mr. Taylor for unemployment insurance benefits. Mr. Taylor is eligible for benefits, provided he is otherwise eligible.

**DECISION:**

The Agency representative's August 4, 2009, reference 03, decision is affirmed. The offer and any refusal occurred at a time when the claimant did not have a claim for unemployment insurance benefits in effect. The refusal did not disqualify the claimant for unemployment insurance benefits. The claimant is eligible for benefits, provided he is otherwise eligible.

---

James E. Timberland  
Administrative Law Judge

---

Decision Dated and Mailed

jet/kjw