

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**GABRIELLA M COLEMAN**

Claimant

**APPEAL NO: 14A-UI-07413-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WILDER MEMORIAL MUSEUM INC**

Employer

**OC: 06/22/14**

**Claimant: Respondent (1)**

Iowa Code § 96.5(3)a – Refusal to Accept Offer of Suitable Work

**PROCEDURAL STATEMENT OF THE CASE:**

The employer appealed a July 8, 2014 determination (reference 04) that held the claimant eligible to receive benefits because she did not refuse an offer of suitable work when she had a valid unemployment insurance claim. The claimant did not respond to the hearing notice or participate in the August 18 hearing. Diane Formo, the director/curator appeared on the employer's behalf. Based on the evidence, the employer's arguments, and the law, the administrative law judge concludes the claimant is qualified to receive benefits.

**ISSUE:**

Did the claimant refuse an offer of suitable work during a week in which she had a valid unemployment insurance claim?

**FINDINGS OF FACT:**

The claimant started working for the employer in 2012. The employer's season ends in early September or after Labor Day. The claimant's last day of work was early September 2013. When the claimant worked she worked part time. The employer considered the claimant an excellent employee and wanted her to be in charge of training and to work as a tour guide in 2014.

On February 26, 2014, the employer talked to the claimant about working for the employer in 2014 as a tour guide and training new tour guides. The employer's 2014 season started in May. The claimant was working as a CNA, but told the employer she would be interested working weekends or about ten hours a week. The employer planned to pay the claimant \$7.75 an hour.

On May 6, 9 and 11, the employer sent the claimant text messages asking when she was able to work and to contact the employer immediately because the employer needed her assistance. The claimant did not respond to the employer's text messages. The claimant and employer have not talked to one another since February 26.

The claimant did not establish a claim for benefits until the week of June 22, 2014.

**REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if she declines an offer of suitable work without good cause. Iowa Code § 96.5(3)a. However, both the offer of work and the claimant's refusal must occur within a claimant's benefit year before a claimant can be disqualified from receiving benefits. 871 IAC 24.24(8). Since the employer asked the claimant to return to work and the claimant's failure to return by May 2014 occurred prior to June 22, 2014, the claimant cannot be disqualified from receiving benefits because she did not have an unemployment insurance claim established when the offer and refusal occurred.

**DECISION:**

The representative's July 8, 2014 determination (reference 04) is affirmed. Even though the claimant did not accept the employer's offer to return to work, the claimant did not have a valid unemployment insurance claim when the employer made the offer. As a result, the claimant remains qualified to receive benefits as of June 22, 2014.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/css