

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

RICCI SILVESTRINI

Claimant

APPEAL NO. 15A-UI-10465-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

SYSCO FOOD SERVICES OF IOWA INC

Employer

OC: 06/28/15

Claimant: Respondent (1)

Section 96.5-3-a – Refusal to Accept Suitable Work

STATEMENT OF THE CASE:

Sysco Food Services of Iowa (employer) appealed a representative's September 14, 2015, decision (reference 01) that concluded Ricci Silvestrini (claimant) eligible to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for October 1, 2015. The claimant participated personally. The employer participated by Steve Meyer, Human Resources Director.

ISSUE:

The issue is whether the claimant refused suitable work.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: In August 2015, the employer offered the claimant a job starting August 31, 2015. Drake IMG Sports Marketing also offered the claimant a job starting August 31, 2015. On August 12, 2015, the claimant refused the offer of work with the employer to take the job with Drake IMG Sports Marketing.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant did not refuse to accept an offer of suitable work.

Iowa Admin. Code r. 871-24.24(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.

The employer offered work to the claimant and the claimant had accepted work from another employer. The claimant had good cause for refusing work because he had accepted another job. Benefits are allowed, provided claimant is otherwise eligible.

DECISION:

The representative's September 14, 2015, decision (reference 01) is affirmed. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/pjs