

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ANDREW T FELDMANN
Claimant

APPEAL NO: 14A-UI-01908-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SUNDOWN MOUNTAIN
Employer

OC: 01/19/14
Claimant: Respondent (1)

Iowa Code § 96.5(3)a – Refusal of Offer of Work
871 IAC 24.24(8) – Refusal Jurisdiction

PROCEDURAL STATEMENT OF THE CASE:

The employer appealed a representative's February 10, 2014 determination (reference 05) that held the claimant eligible to receive benefits even though he did not accept the employer's October 2013 offer of work because the offer occurred when the claimant did not have a valid unemployment insurance claim established. The claimant did not respond to the hearing notice or participate in the March 12 hearing. Sheila Wuerzer, the lift supervisor, 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 eligible to receive benefits even though the employer tried to offer him work in mid-October 2013.

ISSUE:

Is the claimant eligible to receive benefits if the employer made a valid offer to return to work in mid-October 2013?

FINDINGS OF FACT:

The claimant worked for the employer from November 7, 2012, through March 17, 2013. In early October 2013, the employer sent the claimant an email offering him the job he had the previous year. The employer does not know if the claimant received the email. The employer learned the claimant moved to another city and was not living in the Dubuque area any longer.

The claimant established a claim for benefits during the week of January 19, 2014. He did not have an active or valid claim established in October 2013.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he declines an offer of suitable work. Iowa Code § 96.5(3)a. The law requires that both the offer and the refusal must occur within a claimant's benefit year before the claimant can be disqualified from receiving benefits. 871 IAC 24.24(8). The claimant did not have a benefit year established until the week of January 19, 2014. Therefore, he cannot be disqualified from receiving benefits.

DECISION:

The representative's February 10, 2014 determination (reference 05) is affirmed. Since the employer made the claimant an offer to return to work before he established a claim for benefits, the claimant is not disqualified from receiving benefits. As of January 19, 2014, the claimant is qualified to receive benefits, provided he meets all other eligibility requirements.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css