

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DAVID BALL
Claimant

APPEAL NO: 100-UI-15529-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

ELECTROLUX HOME PRODUCTS INC
Employer

OC: 06-13-10
Claimant: Respondent (2R)

Section 96.5(3)a – Work Refusal
Section 96.3-7 – Recovery of Benefit Overpayment

STATEMENT OF THE CASE:

The employer appealed an unemployment insurance decision dated July 27, 2010, reference 03, which allowed benefits. Administrative Law Judge Teresa Hillary conducted an initial hearing on this matter in appeal 10A-UI-10985-H2T in which benefits were denied. The claimant appealed the decision indicating it did not participate due to insufficient evidence and the introduction of the work refusal issue. The Employment Appeal Board remanded for a new hearing in an order dated November 8, 2010. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on January 7, 2011. The claimant participated in the hearing. April Ely, Human Resources Generalist, participated in the hearing on behalf of the employer. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

The issue is whether the claimant refused a suitable offer of work.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The Findings of Fact set forth in the decision in appeal 10A-UI-10985-H2T are adopted and incorporated herein as if set forth at length.

REASONING AND CONCLUSIONS OF LAW:

The Reasoning and Conclusions of Law of the administrative law judge in appeal 10A-UI-10985-H2T are adopted and incorporated herein as if set forth at length.

DECISION:

The unemployment insurance decision dated July 27, 2010, reference 03, is reversed. The claimant refused a suitable offer of work. Benefits are withheld until such time as the claimant

works in and has been paid wages equal to ten times his weekly benefit amount, provided he is otherwise eligible. The claimant has received benefits but was not eligible for those benefits. The matter of determining the amount of the overpayment and whether the overpayment should be recovered under Iowa Code § 96.3-7-b is remanded to the Agency.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/pjs