

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MARY E ELLIOTT
Claimant

APPEAL NO: 12A-UI-08711-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

AVENTURE STAFFING & PROFESSIONAL
Employer

OC: 07/01/12
Claimant: Respondent (1)

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

PROCEDURAL STATEMENT OF THE CASE:

The employer appealed the claimant's receipt of continuing benefits because she refused the employer's September 22, 2011 offer of work. Instead of sending the issue of whether the claimant refused an offer of work the employer raised to the Claims Section, the Appeals Section set up appeals on determinations issued on September 26, 2011 (reference 03) and on July 18, 2012 (reference 02). Both determinations held the claimant eligible to receive benefits based on an August 29, 2011 employment separation. The employer did not appeal the August 29, 2011, employment separation. The two appeals the Appeals Section set up, 12A-UI-08710-DWT and 12A-UI-08711-DWT should not have been set up as appeals.

Since the employer only wanted a September 22, 2011 refusal of suitable work offer addressed, both parties agreed to waive advance notice of this issue. This means the issues on the hearing notice were incorrect and the only issue addressed in this appeal is whether the claimant remains eligible to receive benefits after she refused the employer's September 22, 2011 offer of work. The issues noted on the hearing notice for this appeal are not the correct issues for this appeal.

The claimant participated in the hearing. Kayla Neuhalphen, the human resource representative, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant remains qualified to receive benefits as of September 22, 2011, because she refused an offer of work that was not suitable for her.

ISSUE:

On September 22, 2011, did the claimant refuse an offer of suitable work?

FINDINGS OF FACT:

The claimant established a new benefit year during the week of July 1, 2012. Between September 22, 2011 and July 1, 2012, the claimant earned more than ten times her weekly benefit amount under either claim year. She earned \$3,871.00 from Temp Associates during this time frame.

The decision for appeal 12A-UI-08710-DWT, has already decided the employer's September 22, 2011 offer of work was not suitable for the claimant.

REASONING AND CONCLUSIONS OF LAW:

Based on the decision for appeal 12A-UI-08710-DWT, the employer's September 22, 2011 offer of work was not suitable for the claimant. Therefore, based on the job refusal, she is not disqualified from receiving benefits as of July 1, 2012.

Even if the claimant had been disqualified from receiving benefits as of September 22, 2011, she has earned requalifying wages since September 22, 2011. Based on the reasons for her August 29, 2012 employment separation and her September 22, 2011, refusal, the claimant is qualified to receive benefits as of July 1, 2012.

DECISION:

The representative's July 18, 2012 determination (reference 02) remains the same since the employer did not appeal this determination. The employer's September 22, 2011 offer of work was not suitable for the claimant. Therefore, she is not disqualified from receiving benefits based on the September 2011 job refusal.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs