

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JUAN MONCADA**  
Claimant

**APPEAL NO. 10A-UI-01863-S2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CENTRO INC**  
Employer

**Original Claim: 07/26/09  
Claimant: Appellant (1/R)**

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

**STATEMENT OF THE CASE:**

Juan Moncada (claimant) appealed a representative's January 25, 2010 decision (reference 02) that concluded he was not eligible to receive unemployment insurance benefits because he refused suitable work with Centro (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for March 18, 2010. The claimant participated personally. The employer participated by Jeri Ekleberry, Business Process Owner, and Tracy Lennon, Administrative Assistant for Human Resources. The employer offered and Exhibit One was received into evidence.

**ISSUE:**

The issue is whether the claimant refused suitable work.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and having considered all of the evidence in the record, finds that: The claimant was hired on August 31, 2009, as a full-time product inspector finisher. The claimant was laid off from October 16 through November 9, 2009. He signed a document indicating he would return to work on November 9, 2009. The claimant did not return to work because he was waiting for the employer to telephone him. All other associates appeared for work on November 9, 2009.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant refused a suitable offer of work.

871 IAC 24.24(14)(a)(b) provides:

Failure to accept work and failure to apply for suitable work. Failure to accept work and failure to apply for suitable work shall be removed when the individual shall have worked in (except in back pay awards) and been paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

(14) Employment offer from former employer.

a. The claimant shall be disqualified for a refusal of work with a former employer if the work offered is reasonably suitable and comparable and is within the purview of the usual occupation of the claimant. The provisions of Iowa Code section 96.5(3)"b" are controlling in the determination of suitability of work.

b. The employment offer shall not be considered suitable if the claimant had previously quit the former employer and the conditions which caused the claimant to quit are still in existence.

The claimant refused work from his former employer that was reasonably suitable and comparable. It was within the usual occupation of the claimant. Therefore, the claimant is disqualified from receiving unemployment insurance benefits.

The issue of the claimant's separation from employment is remanded for determination.

**DECISION:**

The representative's January 25, 2010 decision (reference 02) is affirmed. The claimant is not qualified to receive unemployment insurance benefits. The issue of the claimant's separation from employment is remanded for determination.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

bas/kjw