

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ANTHONY GOMEZ**  
Claimant

**APPEAL NO: 14A-UI-02847-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**SUPREME STAFFING INC**  
Employer

**OC: 02/09/14**  
**Claimant: Respondent (1)**

Iowa Code § 96.4(3)a – Refusal of Suitable Offer of Work

**PROCEDURAL STATEMENT OF THE CASE:**

The employer appealed a representative's March 11, 2014 determination (reference 01) that held the claimant qualified to receive benefits even though he did not accept the employer's November 8, 2013 offer of work. The claimant was unable to participate at the hearing, but Todd Creech, a friend, appeared at the claimant's request and on his behalf. Mike Riehl 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 is qualified to receive benefits even though he declined the employer's November 8, 2013 offer of work.

**ISSUE:**

Did the employer offer the claimant a job when the claimant had a claim for unemployment insurance benefits established?

**FINDINGS OF FACT:**

The employer, an employment agency, assigned the claimant to a job on April 13, 2013. The claimant worked first shift. The claimant completed this assignment on November 8, 2013.

On November 8, the employer offered the claimant another job with the same client, but the new job would be a second-shift job. The claimant declined this assignment because he had an interview for a job scheduled on the day the new assignment would start. The second-shift job also conflicted with classes the claimant had been ordered to take by a court.

The claimant established claims for unemployment insurance benefits from August 21, 2011 through August 19, 2012 and February 19, 2014, through February 18, 2015.

**REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if he declines an offer of suitable work without good cause. Iowa Code § 96.5(3)a. The regulations require that both the offer of work and the refusal must occur within a claimant's benefit year before a disqualification can be imposed. Iowa Admin. Code r. 871-24.24(8).

Since the employer's November 8, 2013 offer of work did not occur within either of the claimant's benefit years, he cannot be disqualified for declining the employer's November 8, 2013 offer to work a second shift job. The claimant is not disqualified from receiving benefits as of February 9, 2014.

**DECISION:**

The representative's March 11, 2014 determination (reference 01) is affirmed. The employer's offer of work occurred when the claimant did not have a benefit year established. As result, the claimant is not disqualified from receiving benefits for declining the employer's November 8 offer to work a second-shift job. As of February 9, 2014, the claimant remains qualified to receive benefits.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/pjs