

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

KANEJ T BETWELL
Claimant

SEDONA STAFFING INC
Employer

APPEAL 21A-UI-08900-ED-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 11/01/20
Claimant: Respondent (2)

Iowa Code § 96.5(3)a – Failure to Accept Work
Iowa Code § 96.4(3) – Ability to and Availability for Work
Iowa Admin Code r. 871-24.24(7)

STATEMENT OF THE CASE:

The employer/appellant, Kanej Betwell, filed an appeal from the March 24, 2021 (reference 04) Iowa Workforce Development ("IWD") unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on May 28, 2021. The claimant, Kanej Betwell, did not participate. The employer participated through Colleen McGuinty.

The administrative law judge took official notice of the administrative records. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUES:

Did claimant fail to accept a suitable offer of work and if so, was the failure to do so for a good cause reason?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

Employer offered claimant a position with Colonies Brands earning \$12.50 per hour which claimant began on December 1, 2020. Claimant worked one day at this job. Claimant was offered another job on February 8, 2021 to which claimant refused because he already had another job. Employer offered claimant another job on March 11, 2021 to which claimant refused because he had another job.

The employer participated in the fact-finding interview on March 3, 2021 in this matter.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant is not eligible for benefits.

A claimant who refuses recall to suitable employment without good cause is disqualified for unemployment insurance benefits until the claimant works in and is paid wages for insured work equal to 10 times the claimant's weekly benefit amount. Iowa Code section 96.5(3)(a).

Iowa Admin. Code r. 871-24.24(7) provides:

(7) Gainfully employed outside of area where job is offered. Two reasons which generally would be good cause for not accepting an offer of work would be if the claimant were gainfully employed elsewhere or the claimant did not reside in the area where the job was offered.

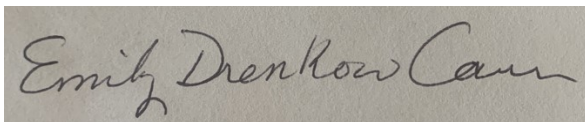
In this case, claimant was gainfully employed elsewhere at the time the jobs were offered. This is good cause reason for not accepting the offer of work.

For an individual to be eligible to receive benefits, he must be able to work, available for work, and actively seeking work as required by the unemployment insurance law. Iowa Code § 96.4(3). The burden is on the claimant to establish that she is able and available for work within the meaning of the statute. 871 IAC 24.22; *Davoren v. Iowa Employment Sec. Comm'n*, 277 N.W.2d 602, 603 (Iowa 1979).

Claimant did not participate in the hearing and did not establish evidence that he had been able and available for work. Accordingly, a disqualification is imposed. Benefits are not allowed, The employer's account shall not be charged.

DECISION:

The March 24, 2021 (reference 04) initial decision is reversed. Claimant did fail to accept an offer of work with this employer but established a good cause reason. However claimant did not establish he is able to and available for work. Benefits are denied.



Emily Drenkow Carr
Administrative Law Judge

June 11, 2021
Decision Dated and Mailed

ed/kmj