

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CASEY LUTZ**  
Claimant

**APPEAL NO: 15A-UI-13289-JE-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**DELLEN GARAGE DOORS INC**  
Employer

**OC: 11/01/15**  
**Claimant: Respondent (1)**

Section 96.5(3)a – Work Refusal

**STATEMENT OF THE CASE:**

The employer filed a timely appeal from the December 1, 2015, reference 05, decision that allowed benefits to the claimant. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on December 21, 2015. The claimant did not respond to the hearing notice and did not participate in the hearing or request a postponement of the hearing as required by the hearing notice. Rick Vinson, President and Benjamin Lohmeier, Sales Manager, participated in the hearing on behalf of the employer.

**ISSUE:**

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

**FINDINGS OF FACT:**

The employer made an offer of work to the claimant on October 29, 2015. That offer included the following terms: Working as a full-time warehouse employee earning \$13.00 per hour. The claimant's average weekly wage is \$999.99. The claimant was working for the employer as an installer trainee and warehouse worker until October 28, 2015, when the employer informed him he was not working out as an installer. On October 29, 2015, the employer offered the claimant a full-time position in the warehouse at the same hours and wages as he was earning as an installer trainee and warehouse worker. The claimant did not want to work solely in the warehouse and refused the employer's offer of work. The claimant did not have a valid claim for unemployment insurance benefits at the time as the effective date of his claim is November 1, 2015.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant did not refuse a suitable offer of work.

Iowa Admin. Code r. 871-24.24(8) provides:

(8) Refusal disqualification jurisdiction. Both the offer of work or the order to apply for work and the claimant's accompanying refusal must occur within the individual's benefit year, as defined in subrule 24.1(21), before the Iowa code subsection 96.5(3) disqualification can be imposed. It is not necessary that the offer, the order, or the refusal occur in a week in which the claimant filed a weekly claim for benefits before the disqualification can be imposed.

The administrative law judge does not have jurisdiction to evaluate the offer or refusal of work since the offer of employment took place outside of the claimant's benefit year which began November 1, 2015, and the offer of work was made October 29, 2015. The claimant did not file his claim for benefits until November 1, 2015. Therefore, the administrative law judge is unable to make a finding on the offer of work itself as she lacks the jurisdiction to make a decision on this matter because the claimant did not have a valid claim for benefits at the time of the offer. Therefore, benefits must be allowed.

**DECISION:**

The December 1, 2015, reference 05, decision is affirmed. The claimant did not refuse a suitable offer of work. The claimant did refuse an offer of work made outside of his benefit year; thus, the administrative law judge has no jurisdiction to determine the suitability of the offer. Benefits are allowed, provided the claimant is otherwise eligible to receive them.

---

Julie Elder  
Administrative Law Judge

---

Decision Dated and Mailed

je/pjs