

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ALLEN R ADAMS
Claimant

APPEAL NO. 08A-UI-08828-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

AUTOMOTIVE ENTERPRISES COMPANY
Employer

**OC: 09/14/08 R: 04
Claimant: Respondent (1)**

871 IAC 24.24(8) – Work Offer/Benefit Year

STATEMENT OF THE CASE:

The employer filed an appeal from a representative's decision dated September 30, 2008, reference 02, which held the claimant eligible for unemployment insurance benefits. After due notice was issued, a telephone conference hearing was scheduled for and held on October 17, 2008. Mr. Adams participated personally. The employer participated by Russell Whalen, company vice president.

ISSUE:

The issue in this matter is whether the claimant refused an offer of suitable work during his benefit year while claiming unemployment insurance benefits.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and having considered all the evidence in the record, finds: The claimant previously worked for this employer most recently on August 1, 2007. The claimant had been employed as a production worker and was working on a full-time basis.

On or about June 12, 2008, Automotive Enterprises Company offered the claimant the opportunity to return to work at a similar position and pay. The claimant did not accept the employment, as he had made application with another employer and had accepted employment with the other company. The offer and refusal did not take place while Mr. Adams was claiming unemployment insurance benefits.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence in the record establishes that Mr. Adams refused an offer of suitable work while claiming unemployment insurance benefits. It does not.

The evidence in the record establishes at the time that an offer was made by Automotive Enterprises Company, Mr. Adams was not claiming unemployment insurance benefits.

Mr. Adams has also offered a good-cause explanation, that he had accepted employment with another company at the time.

871 IAC 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.

For the reasons stated herein, the administrative law judge finds that disqualification for benefits cannot be imposed, as the claimant had not filed a weekly claim for benefits at the time of the refusal. Mr. Adams is aware that work is available for him at Automotive Enterprises Company and has indicated that he won't follow up with this employer regarding the potential offer of work.

DECISION:

The representative's decision dated September 30, 2008 reference 02, is affirmed. The claimant did not refuse an offer of suitable work. At the time, the claimant did not have a valid unemployment insurance claim. No disqualification is imposed.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw