

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**GERRY L LANTZ**  
Claimant

**APPEAL NO. 08A-UI-06943-CT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**BOYER TRUCKING**  
Employer

**OC: 06/15/08 R: 04**  
**Claimant: Respondent (1)**

Section 96.5(3)a – Refusal of Work

**STATEMENT OF THE CASE:**

Boyer Trucking filed an appeal from a representative's decision dated July 23, 2008, reference 01, which held that no work had been offered to Gerry Lantz on June 15, 2008. After due notice was issued, a hearing was held by telephone on August 13, 2008. Mr. Lantz participated personally and offered additional testimony from Josh Lower. The employer participated by Debora Boyer, Vice President.

**ISSUE:**

At issue in this matter is whether any disqualification should be imposed regarding Mr. Lantz' refusal of work with Boyer Trucking.

**FINDINGS OF FACT:**

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Lantz was employed by Boyer Trucking from January until May 26, 2008. He worked full time as a driver, performing both local and over-the-road driving. He was dismissed due to lack of work on May 26, 2008. He was not told he might be recalled for further work in the future.

On June 4, 2008, Russell Boyer contacted Mr. Lantz by telephone to offer him his former job. Mr. Lantz indicated he would let him know by Friday, June 6, if he was accepting the offer. He left a voice message for Mr. Boyer on June 6 declining the work. Mr. Lantz filed a claim for job insurance benefits effective June 15, 2008.

**REASONING AND CONCLUSIONS OF LAW:**

An individual who refuses an offer of suitable work without good cause is disqualified from receiving job insurance benefits. Iowa Code section 96.5(3)a. However, the individual must have a valid claim for job insurance benefits on file at the time of the offer and refusal. See 871 IAC 24.24(8). In the case at hand, both the offer of work and the refusal occurred prior to June 15, 2008, the effective date of Mr. Lantz' claim. Because he did not have a valid claim in

effect at the time of the offer and refusal, the refusal cannot form the basis of a disqualification from benefits.

**DECISION:**

The representative's decision dated July 23, 2008, reference 01, is hereby affirmed. No disqualification is imposed regarding Mr. Lantz' refusal of work with Boyer Trucking as it occurred prior to the effective date of his claim for benefits. Benefits are allowed, provided he satisfies all other conditions of eligibility.

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Carolyn F. Coleman  
Administrative Law Judge

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Decision Dated and Mailed

cfc/pjs