

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MOISES ASTELLO

Claimant

APPEAL NO. 10A-UI-16239-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

EMPLOYMENT CONNECTIONS INC

Employer

OC: 10-03-10

Claimant: Respondent (1)

Iowa Code § 96.5(3)a – Work Refusal

STATEMENT OF THE CASE:

The employer filed a timely appeal from the November 22, 2010, reference 02, decision that allowed benefits. After due notice was issued, a hearing was held on February 14, 2011. The claimant did participate. The employer did participate through Jim Kitterman, owner, and Deb Lenz.

ISSUE:

Did the claimant refuse a suitable offer of work?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was offered work on October 1, or October 2, 2010. He did not have a valid claim for unemployment benefits filed until October 3, 2010. The offer of work was not made to the claimant when he had a valid claim for unemployment insurance benefits pending.

REASONING AND CONCLUSIONS OF LAW:

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

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.

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 benefit year. Benefits are allowed, provided that claimant is otherwise eligible.

DECISION:

The November 22, 2010, reference 02, decision is affirmed. Claimant did refuse an offer of work made outside of his benefit year; thus, the administrative law judge has no jurisdiction to determine suitability of the offer. Benefits are allowed, provided claimant is otherwise eligible.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/kjw