

**BEFORE THE
EMPLOYMENT APPEAL BOARD
Lucas State Office Building, 4TH Floor
Des Moines, Iowa 50319
eab.iowa.gov**

TIMOTHY B LIAGRE

Claimant

and

FAMILY RESOURCES INC

Employer

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HEARING NUMBER: 22B-UI-10649

**EMPLOYMENT APPEAL BOARD
DECISION**

NOTICE

THIS DECISION BECOMES FINAL unless (1) a **request for a REHEARING** is filed with the Employment Appeal Board within **20 days** of the date of the Board's decision or, (2) a **PETITION TO DISTRICT COURT IS FILED WITHIN 30 days** of the date of the Board's decision.

A **REHEARING REQUEST** shall state the specific grounds and relief sought. If the rehearing request is denied, a petition may be filed in **DISTRICT COURT** within **30 days** of the date of the denial.

SECTION: 96.4-3, 96.5-3-A

DECISION

UNEMPLOYMENT BENEFITS ARE ALLOWED IF OTHERWISE ELIGIBLE

The Employer appealed this case to the Employment Appeal Board. Two members of the Employment Appeal Board reviewed the entire record. The Appeal Board finds the administrative law judge's decision is correct. The administrative law judge's Findings of Fact and Reasoning and Conclusions of Law are adopted by the Board as its own. The administrative law judge's decision is **AFFIRMED**.

The Employer who participated in this matter is not chargeable on this claim. Only the employer who is in the Claimant's base period is chargeable on the claim. We see no wages reported by this employer for the Claimant including in the first or second quarter of 2022. If the Claimant never earns insured wages with Family Resource, Inc. then Family Resource, Inc. *cannot possibly* be charged for benefits paid to the Claimant. The role of Family Resource, Inc. in this case is as a witness – they made an offer of work to the Claimant while he was drawing on benefits charged to another employer. Family Resource, Inc. should not really be listed as a party to this case, but we leave them on the caption at this time just so that Family Resource, Inc. will receive notices pertaining to the matter.

Finally, the Administrative Law Judge ruled that the Claimant had good cause for refusing the offer. Technically, the offer itself was not a suitable offer under the statute then in force. In such an instance the reasons for refusal are immaterial. *Biltmore Enterprises, Inc. v. Iowa Dept. of Job Service*, 334 N.W.2d 284, 287 (Iowa, 1983)(“In order for work to be considered ‘suitable’ under section 96.5(3), it is mandatory that the gross weekly wages equal or exceed the statutorily prescribed percentages of base period wages. If gross weekly wages for the work do not equal or exceed those sums, the work is unsuitable as a matter of law and the actual motive of a claimant in refusing the work is immaterial.”).

James M. Strohman

Myron R. Linn

RRA/fnv