

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RUDOLPH S DUNSTON
Claimant

APPEAL NO. 09A-UI-03225-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

USA STAFFINC INC
Employer

OC: 01/04/09
Claimant: Respondent (1)

871 IAC 24.24(8) – Offer Of Work Not Within Claimant's Benefit Year

STATEMENT OF THE CASE:

USA Staffing Inc. timely appealed from the representative's decision dated February 18, 2009, reference 01, which held claimant eligible for unemployment insurance benefits finding that the claimant did not accept an offer of work on November 21, 2008 but finding that the claimant did not have a valid unemployment insurance claim at that time.

ISSUE:

The issue is whether the claimant had a valid unemployment insurance benefit claim filed November 21, 2008 and whether the claimant was offered work.

FINDINGS OF FACT:

The administrative law judge having heard the testimony and considered all of the evidence in the record, finds: The claimant began his employment with USA Staffing Inc. in May of 2002. The claimant's most recent unemployment insurance claim was in the year 2006. On November 21, 2008, Mr. Dunston completed an assignment through USA Staffing Inc. and contacted the employer that day to inform them that the assignment had ended. Mr. Dunston sought work but none was available at the time. No offer of work was made at that time and Mr. Dunston did not have a valid unemployment insurance claim for benefits at that time. Mr. Dunston's next claim was effective January 4, 2009.

REASONING AND CONCLUSIONS OF LAW:

For the reasons stated below the administrative law judge concludes that the claimant is eligible to receive unemployment insurance benefits.

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 evidence in the record establishes that Ms. Dunston ended an assignment on November 21, 2008 and contacted the employer as required to inform them that the assignment had ended. Mr. Dunston looked for additional work but none was available. The claimant did not have a valid unemployment insurance claim at the time. His most recent claim had been in the year 2006 and his next claim for benefits was effective January 4, 2009. The claimant thus did not have a valid claim and did not refuse an offer of suitable work and he is not subject to a benefit disqualification.

DECISION:

The representative's decision dated February 18, 2009, reference 01, is affirmed. The claimant was not offered work on November 21, 2008 and did not have a valid unemployment insurance claim at the time. Mr. Dunston is eligible to receive unemployment insurance benefits, provided that he continues to meet all other eligibility requirements of Iowa law.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

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