



STATE OF NEW YORK

UNEMPLOYMENT INSURANCE APPEAL BOARD

PO Box 15126

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DECISION OF THE BOARD

Mailed and Filed: DECEMBER 30, 2020

IN THE MATTER OF:

Appeal Board No. 612722

PRESENT: RANDALL T. DOUGLAS, MEMBER

The Department of Labor issued the initial determination holding the claimant eligible to receive benefits effective November 18, 2019. The employer requested a hearing and objected that the claimant should be disqualified from receiving benefits because the claimant refused an offer of suitable employment without good cause.

The Administrative Law Judge held telephone conference hearings at which all parties were accorded a full opportunity to be heard and at which testimony was taken. There were appearances by the claimant and on behalf of the employer. By decision filed October 15, 2020 (), the Administrative Law Judge sustained, effective January 12, 2020, the employer's objection and overruled the initial determination.

The claimant appealed the Judge's decision to the Appeal Board.

Based on the record and testimony in this case, the Board makes the following

FINDINGS OF FACT: The claimant lost his last employment for reasons not at issue herein and filed a claim for benefits on November 24, 2019, held to be effective November 18, 2019. The claimant's penultimate employer saw the claimant's name on his unemployment charges report. The claimant had worked as a helper in this employer's plumbing and electrical business in 2018.

On January 11, 2020, the penultimate employer's owner called the claimant and offered the claimant a job. Before the owner could say anything further about the job, the claimant declined the offer and stated he had another job. The

conversation ended. The claimant believed that the offer was for his old job as a helper which he had not liked. The claimant declined the job offer because he hoped to start new employment repairing boats in April 2020.

OPINION: The credible evidence establishes that on January 11, 2020 the claimant declined an offer to return to work for his penultimate employer. We accept as credible the claimant's testimony that he declined the employer's offer before the owner could explain what the job was or give him any details. The claimant's action prevented the owner from completing the job offer and constitutes a refusal of employment. (See Appeal Board No. 546226) Further, as claimant ended the conversation before the employer could finish the offer the claimant did not know if the offer was one he would not like. Additionally, refusing a job in January because of the possibility of employment in April does not constitute good cause as the claimant could have been working for four months before the new job started. Finally, on appeal the claimant raised an issue of a medical condition which he did not raise at the hearing herein. As claimant did not allow the employer to finish the job offer, the claimant did not know if his medical condition would have been at issue. Accordingly, we conclude that the claimant refused an offer of employment without good cause and is disqualified from benefits, effective January 12, 2020, for job refusal.

DECISION: The decision of the Administrative Law Judge is affirmed.

The employer's objection, that the claimant should be disqualified from receiving benefits because the claimant refused an offer of suitable employment without good cause, effective January 12, 2020, is sustained.

The initial determination, holding the claimant eligible to receive benefits, is overruled.

The claimant is disqualified from receiving benefits, effective January 12, 2020, until the claimant has subsequently worked in employment and earned remuneration at least equal to 10 times the claimant's weekly benefit rate for all claims filed after January 1, 2014. Employment and earnings from non-covered, excluded or self-employment will not count.

The claimant is denied benefits consistent with the issues decided herein.

RANDALL T. DOUGLAS, MEMBER