

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

MARLENE K PANGBURN
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ATLANTIC IA 50022

CASS INC
PO BOX 431
ATLANTIC IA 50022-0431

Appeal Number: 04A-UI-06048-SWT
OC 05/02/04 R 01
Claimant: Respondent (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-3-a - Failure to Accept Suitable Work

STATEMENT OF THE CASE:

The employer appealed an unemployment insurance decision dated May 19, 2004, reference 01, that concluded the claimant was not subject to disqualification for refusing work. A telephone hearing was held on June 24, 2004. The parties were properly notified about the hearing. The claimant did not participate in the hearing. Steve Miller participated in the hearing on behalf of the employer.

FINDINGS OF FACT:

The claimant worked full time for the employer as an enrichment and support specialist from November 1, 2003 to April 30, 2004. The claimant was laid off due to lack of work when the employer closed the group home in which the claimant worked. The claimant was invited to apply for other jobs with the employer, but did not do so because the jobs required her to have a chauffeur's license and perform computer work. The employer did not offer the claimant a job

or guarantee her a job if she applied for available openings. There were more laid off individuals working in the group home than the employer had openings.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant is subject to disqualification for failing to accept an offer of suitable work without good cause. Under Iowa Code Section 96.5-3-a, a claimant is subject to disqualification if the claimant fails to accept an offer of suitable work without good cause. In this case, however, the evidence establishes that the claimant was never actually offered a job, but instead was given the opportunity to apply for another job with no guarantee that she would be hired. No disqualification can be imposed in this case under the unemployment insurance law.

DECISION:

The unemployment insurance decision dated May 19, 2004, reference 01, is affirmed. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

saw/kjf