

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SCOTTY R BENNETT
Claimant

APPEAL NO. 08A-UI-02914-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CAMBRIDGE TEMPOSITIONS INC
Employer

OC: 03/02/08 R: 03
Claimant: Respondent (1)

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

STATEMENT OF THE CASE:

The employer appealed an unemployment insurance decision dated March 17, 2008, reference 01, that concluded the claimant was not disqualified to receive benefits for failing to accept work. A telephone hearing was held on April 8, 2008. The parties were properly notified about the hearing. The claimant failed to participate in the hearing. Darlene Hughes participated in the hearing on behalf of the employer.

ISSUE:

Did the claimant fail to accept an offer of suitable work without good cause?

FINDINGS OF FACT:

The employer is a staffing service that provides workers to client businesses on a temporary or indefinite basis. The claimant worked on an assignment at Commercial Towel Service from April 10, 2007, to August 29, 2007. After the assignment ended, the employer offered the claimant an assignment on November 12, 2007, at Worley Warehouse. The claimant declined the job stating that he did not want to work there. The employer called the claimant and left messages for him about openings at Worley Warehouse on December 6, 2007, and January 9, 2008. No one spoke to the claimant or offered him work on December 6 or January 9.

The claimant filed a new claim for unemployment insurance benefits with an effective date of March 2, 2008. The claimant did not have an unemployment claim in effect in November or December 2007 or January 2008.

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.

Iowa Code section 96.5-3-a provides:

An individual shall be disqualified for benefits:

3. Failure to accept work. If the department finds that an individual has failed, without good cause, either to apply for available, suitable work when directed by the department or to accept suitable work when offered that individual....

The unemployment insurance rules provide that a claimant cannot be disqualified from receiving unemployment insurance benefits unless the offer of work and refusal of work happens while the claimant has a claim for unemployment insurance benefits in effect. 871 IAC 24.24(8). As a result, the claimant is not subject to disqualification for failing to accept work on November 12, 2007. The claimant is not subject to disqualification based on the phone calls on December 6, 2007, or January 9, 2008, because the employer did not speak personally to the claimant and offer him work.

DECISION:

The unemployment insurance decision dated March 17, 2008, reference 01, is affirmed. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/css