

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CRAIG A BROWN

Claimant

APPEAL NO. 09A-UI-14919-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TEMP ASSOCIATES

Employer

**Original Claim: 07/05/09
Claimant: Respondent (1)**

Section 96.5(3)a – Refusal of Work
Section 96.4(3) – Available and Available

STATEMENT OF THE CASE:

Temp Associates filed an appeal from a representative's decision dated October 2, 2009, reference 01, which held that no disqualification would be imposed regarding Craig Brown's August 11, 2009 refusal of work. After due notice was issued, a hearing was held by telephone on November 4, 2009. Mr. Brown participated personally. The employer participated by Jan Windsor, Manager

ISSUE:

At issue in this matter is whether Mr. Brown had good cause for refusing work with Temp Associates on August 11, 2009.

FINDINGS OF FACT:

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: On August 11, 2009, Temp Associates left a voice message for Mr. Brown concerning a work opportunity. A certified letter was sent to him the same day regarding the offer of work. Mr. Brown went to the Temp Associates office on August 14 and indicated he was declining the offer because he was going to start school. On August 18, he enrolled in American College of Hair Styling as a full-time student. He has been allowed Division-Approved Training (DAT) for the period August 16, 2009 through July 3, 2010.

The assignment Mr. Brown declined was with Antennacraft and was to start on August 19, 2009. It was a long-term assignment for 40 hours each week and paid \$8.00 per hour. Mr. Brown's claim for job insurance benefits was filed effective July 5, 2009. The average weekly wage paid to him during that quarter of his base period in which his wages were highest was \$426.80.

REASONING AND CONCLUSIONS OF LAW:

An individual who refuses an offer of suitable work is disqualified from receiving job insurance benefits unless the refusal was for good cause. See Iowa Code section 96.5(3)a. Before a

disqualification may be imposed, the evidence must establish that the individual was available for work within the meaning of Iowa Code section 96.4(3). In the case at hand, Mr. Brown refused the work with Antennacraft because he was going to be in school. Since he was not going to be available to work on the assignment due to his school attendance, he had good cause for the refusal.

As a general rule, an individual must be available for work in order to receive job insurance benefits. However, the availability requirements are waived during any period when the individual is on DAT. Iowa Code section 96.4(6)a. Because Mr. Brown was approved for DAT, he is not disqualified from benefits as not available for work even though he was not available for the assignment with Antennacraft. An employer's account is relieved of charges during periods when the individual is on DAT. Therefore, Temp Associates' account will not be charged for benefits paid to Mr. Brown between August 16, 2009 and July 3, 2010.

DECISION:

The representative's decision dated October 2, 2009, reference 01, is hereby affirmed. Mr. Brown had good cause for refusing work with Temp Associates on August 14, 2009. Benefits are allowed, provided he is otherwise eligible, but shall not be charged to Temp Associates while he is on DAT.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/kjw