

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DANIELA S SCHMIDT
Claimant

APPEAL NO: 10A-UI-16443-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SEDONA STAFFING
Employer

OC: 10/03/10
Claimant: Appellant (2)

Iowa Code § 96.5-3-a – Refusal of Offer of Work

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's November 23, 2010 determination (reference 03) that held her ineligible to receive benefits as of October 28 2010, because she refused the employer's offer of work. The claimant participated in the hearing. Colleen McGuinty and Sammi Teel appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge finds the claimant qualified to receive benefits as of October 28, 2010.

ISSUE:

Should the claimant be disqualified from receiving benefits if she refused the employer's offer of work?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of October 3, 2010. On October 28 or earlier, the employer asked the claimant to interview for a job. The claimant went to the interview as requested. On October 28, after the employer told the claimant she had not been hired for the job she had interviewed for, the claimant reported that she had just accepted another job. The claimant had accepted a job at Best Buy to work as an occasional/seasonal employee. The claimant started this job in early November. She worked 28 to 36 hours a week. As of January 10 she still works for Best Buy with the possibility of being hired as a permanent employee.

On October 28 after the claimant told the employer she had accepted another job, the employer did not talk to her about another potential job the employer had available. The employer told the claimant nothing about another job.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she refuses an offer of suitable work without good cause. Iowa Code § 96.5-3-a. The evidence establishes the claimant went to an interview as the employer requested for one job. The employer told her on

October 28 that she had not been hired for that job. After the employer learned the claimant had accepted another job she had found on her own, the employer did not offer the claimant another job or tell her anything about a second potential job. For unemployment insurance purposes, the employer did not offer the claimant a second potential job on October 28, 2010. Therefore, the claimant remains qualified to receive benefits as of October 28, 2010.

DECISION:

The representative's November 23, 2010 determination (reference 03) is reversed. The employer did not offer the claimant a job after learning she had accepted a job she found on her own. As of October 28, 2010, the claimant remains qualified to receive benefits.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs