

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

JOSEPHINE M HUGHES
3922 SHERMAN BLVD
DES MOINES IA 50310

PALMER STAFFING
3737 WOODLAND AVE #300
WEST DES MOINES IA 50266

Appeal Number: 05A-UI-06552-CT
OC: 05/29/05 R: 02
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 – Refusal of Work

STATEMENT OF THE CASE:

Palmer Staffing filed an appeal from a representative's decision dated June 20, 2005, reference 02, which held that no disqualification would be imposed regarding Josephine Hughes' May 18, 2005 refusal of work. After due notice was issued, a hearing was held by telephone on July 12, 2005. Ms. Hughes participated personally. The employer participated by Wendy Dennis, Staffing Consultant.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all the evidence in the record, the administrative law judge finds: Ms. Hughes began working through Palmer Staffing, a

temporary placement firm, on December 6, 2004. She completed an assignment with City Mortgage on May 3, 2005.

On May 18, 2005, the employer left an answering machine message for Ms. Hughes regarding a job possibility. No specifics concerning the assignment were provided in the message. The work was with Principal Financial and was anticipated to be a long-term assignment. The assignment was for 40 hours each week and paid \$11.00 per hour. Ms. Hughes would have had to compete with others for the position. The employer did not receive any response to the message.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether any disqualification should be imposed regarding the May 18, 2005 offer to Ms. Hughes. An individual who refuses an offer of suitable work is disqualified from receiving job insurance benefits. Iowa Code section 96.5(3)a. A disqualification is only appropriate where there has been a bona fide offer of work. See 871 IAC 24.24(1). Ms. Hughes was not actually offered work on May 18, only the possibility of interviewing for a job. Inasmuch as she would have had to compete with others for the available position, it must be concluded that there was no bona fide offer of work within the meaning of the law. As such, no disqualification is imposed.

DECISION:

The representative's decision dated June 20, 2005, reference 02, is hereby affirmed. No disqualification is imposed regarding the May 18, 2005 contact as Ms. Hughes was not offered a job on that date. Benefits are allowed, provided she satisfies all other conditions of eligibility.

cfc/sc