

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

CHRISTOPHER B ROBERSON  
LOT 172  
5309 HWY 75 NO  
SIOUX CITY IA 51108

MANPOWER INTERNATIONAL INC.  
C/O TALX UC EXPRESS  
PO BOX 66864  
ST LOUIS MO 63166 6864

Appeal Number: 06A-UI-00981-DWT  
OC: 01/01/06 R: 01  
Claimant: Respondent (1/R)

**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, 4<sup>th</sup> 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 96.5-2-a - Discharge

STATEMENT OF THE CASE:

Manpower Temporary Services (employer) appealed a representative's January 23, 2006 decision (reference 02) that concluded Christopher B. Roberson (claimant) was qualified to receive unemployment insurance benefits, and the employer's account was subject to charge because the claimant's employment separation was for nondisqualifying reasons. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on February 13, 2006. The claimant failed to respond to the hearing notice by contacting the Appeals Section prior to the hearing and providing the phone number at which he could be contacted to participate in the hearing. As a result, no one represented the claimant. Kelly Weaver, a staffing specialist, appeared on the employer's behalf. Based on the evidence, the arguments of the employer, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit his employment for reasons that qualify him to receive unemployment insurance benefits, or did the employer discharge him for disqualifying reasons?

FINDINGS OF FACT:

The employer is a temporary staffing firm. The claimant registered to work for the employer on April 25, 2005. The claimant completed a job assignment at Cargill on December 3, 2005. The employer offered the claimant another job, which the claimant initially indicated he would accept. This job started on December 5. On December 5, the claimant contacted the employer before he went to the assignment and declined the assignment because the job was too far for him to drive. The employer understood the claimant lived ten miles from this assignment.

The employer offered the claimant another job on December 29 in Sioux City. This was only a one-day assignment, which the claimant declined because of the length of the assignment.

The claimant did not establish a claim for benefits until the week of January 1, 2006.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause or an employer discharges him for reasons constituting work-connected misconduct. Iowa Code §§96.5-1, 2-a. The most recent assignment the claimant actually worked at and earned wage credits was the Cargill assignment. The claimant completed this job assignment on December 3 because there was no more work for him to do. As a result, this employment separation was for nondisqualifying reasons.

The assignment the claimant ultimately declined to accept was to have started on December 5, 2005. The claimant refused or declined this assignment. The claimant also refused or declined a one-day job assignment on December 29, 2005. Since the claimant did not establish a claim for unemployment insurance benefits until the week of January 1, 2006, these offers of work were made prior to the claimant establishing a claim for unemployment insurance benefits. The offer of work and the claimant's refusal must occur within the claimant's benefit year before a disqualification can be imposed on a claimant for refusing an offer of work. 871 IAC 24.24(8). Since the claimant completed a job assignment and the employer's December 5 and 29 offers of work occurred before the claimant established a claim for benefits, the claimant is qualified to receive unemployment insurance benefits as of January 1, 2006.

This case is remanded to the Claims Section to investigate and determine if the employer offered the claimant any work, which he declined after January 1, 2006.

DECISION:

The representative's January 23, 2006 decision (reference 02) is affirmed. The reasons for the claimant's employment separation on December 3 do not disqualify him from receiving unemployment insurance benefits. The employer's offers of work that the claimant declined on December 5 and 29 did not occur within the claimant's benefit year. Therefore, as of January 1, 2006, the claimant is qualified to receive unemployment insurance benefits, provided he meets all other eligibility requirements. The employer's account may be charged for benefits

paid to the claimant. An issue of whether the employer offered the claimant any jobs after January 1, 2006 which the claimant could be disqualified from receiving benefits for refusing an offer of suitable work is remanded to the Claims Section to investigate.

dlw/s