

**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**

**SARA A PALS  
PO BOX 113  
MESERVEY IA 50457**

**EXPRESS SERVICES INC  
PO BOX 720660  
OKLAHOMA CITY OK 73172**

**Appeal Number: 04O-UI-03590-CT  
OC: 12/07/03 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, 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.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5(3)a – Refusal of Work

STATEMENT OF THE CASE:

Express Services, Inc. filed an appeal from a representative's decision dated January 13, 2004, reference 02, which held that no disqualification would be imposed regarding Sara Pals' December 10, 2003 refusal of work. Pursuant to the appeal, a telephone hearing was held on February 6, 2004. The February 11, 2004 decision of the administrative law judge affirmed the allowance and the employer filed a further appeal. The Employment Appeal Board, on March 26, 2004, remanded the matter for a new hearing because the tape of the prior hearing was faulty.

Pursuant to the remand, due notice was issued scheduling the matter for a telephone hearing on April 22, 2004. Ms. Pals participated personally. The employer participated by Jamie Mullins, 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: On December 9, 2003, Ms. Pals completed a temporary assignment through Express Services, Inc. On December 10, she was contacted by telephone and offered an assignment with Fleetguard, Inc. to start on December 11. The assignment had the potential to lead to regular employment. The assignment was for at least 40 hours per week and paid \$8.75 per hour. Ms. Pals initially indicated she would accept the assignment.

After she accepted the assignment, Ms. Pals determined that it was located between 50 and 55 miles from her home. She had indicated on her application with Express Services, Inc. that she did not want to travel more than 40 miles from her home to work. Because of the distance she would have to travel to Fleetguard, Inc., Ms. Pals called Express Services, Inc. and declined the assignment on December 10.

#### REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether any disqualification should be imposed for Ms. Pals' December 10, 2003 refusal of work. An individual who refuses an offer of suitable work without good cause is disqualified from receiving job insurance benefits. Iowa Code Section 96.5(3)a. The administrative law judge concludes that the work offered on December 10 was not suitable work for Ms. Pals. She had already put the employer on notice that she would not drive more than 40 miles from her home to work. Given that she would have had to travel at least 100 miles to and from work, it is concluded that she had good cause for refusing the assignment at Fleetguard, Inc. See 871 IAC 24.24(7). As such, no disqualification may be imposed for the refusal.

It was the employer's contention that Ms. Pals did not maintain periodic contact after December 10. However, such contact is not required as a condition of receiving job insurance benefits. Although it may be the employer's requirement in order to make job placements, the failure to maintain contact with the temporary firm is not a basis for denying job insurance benefits.

#### DECISION:

The representative's decision dated January 13, 2004, reference 02, is hereby affirmed. No disqualification is imposed for Ms. Pals' December 10, 2003 refusal of work as she had good cause for the refusal. Benefits are allowed, provided she satisfies all other conditions of eligibility.

cfc/kjf