

**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**

**LELA M HARRINGTON
927 – 15TH ST
ROCK ISLAND IL 61201-2552**

**LABOR FINDERS
c/o JON-JAY ASSOCIATES INC
PO BOX 182523
COLUMBUS OH 43218-2523**

**Appeal Number: 06A-UI-02964-CT
OC: 01/08/06 R: 04
Claimant: Respondent (2)**

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:

Labor Finders filed an appeal from a representative's decision dated February 28, 2006, reference 01, which allowed benefits to Lela Harrington but denied the employer relief from benefit charges. After due notice was issued, a hearing was held by telephone on April 3, 2006. Ms. Harrington participated personally. The employer participated by Kimberly Rasche, Branch Manager.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Harrington began working for Labor Finders in

November of 2005. On February 6, 2006, she accepted an assignment with Crescent Laundry and was to start on February 7. It was a long-term assignment for 50 hours each week and paid \$6.75 per hour. She did not report for the assignment and did not contact Labor Finders. The employer has had no further contact with Ms. Harrington.

Ms. Harrington filed her claim for job insurance benefits effective January 8, 2006. The average weekly wage paid to her during that quarter of her base period in which her wages were highest was \$297.26. Ms. Harrington has received a total of \$1,344.00 in job insurance benefits for the eight-week period beginning February 5, 2006.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether any disqualification should be imposed as a result of Ms. Harrington's failure to report for the assignment at Crescent Laundry. The administrative law judge considers the failure to report to be a refusal of work. An individual who has refused an offer of suitable work without good cause is disqualified from receiving job insurance benefits. Iowa Code section 96.5(3)a.

The work offered to Ms. Harrington was offered during her fifth week of unemployment following the filing of her claim. Therefore, the job had to pay at least 100 percent of the average weekly wage paid during that quarter of her base period in which her wages were highest. In other words, the job had to pay at least \$297.26 each week in order to be considered suitable work. The work offered at Crescent Laundry paid \$337.50 per week. Inasmuch as she accepted the assignment, the administrative law judge presumes that it did not involve skills Ms. Harrington did not have. She did not identify any factors that would make the work at Crescent Laundry unsuitable for her. For the above reasons, the administrative law judge concludes that the work offered on February 6 was suitable work within the meaning of the law.

Ms. Harrington contended during the hearing that she did not report for the assignment because she was ill. She indicated in her fact-finding statement given on February 27 that she did not go to the assignment because she had to seek work with Rock Island Township that day because they were providing her with public assistance. She made no mention of being ill on February 7 as the reason for not going to the assignment. Given this factor, the administrative law judge finds that she was not ill on February 7. The administrative law judge is not inclined to believe that Rock Island Township would have required Ms. Harrington to come to their offices to seek work on February 7 if she already had a long-term work assignment.

The evidence does not establish any good cause for Ms. Harrington's refusal of the suitable work offered on February 6, 2006. Therefore, she is disqualified from receiving job insurance benefits. The disqualification is effective with the Sunday of the week in which the work was refused, February 5, 2006. Ms. Harrington has received benefits since February 5, 2006. Based on the decision herein, the benefits received now constitute an overpayment and must be repaid. Iowa Code section 96.3(7).

DECISION:

The representative's decision dated February 28, 2006, reference 01, is hereby reversed. Ms. Harrington refused an offer of suitable work without good cause. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly job insurance benefit amount, provided she satisfies all other conditions of eligibility. Ms. Harrington has been overpaid \$1,344.00 in job insurance benefits.

cfc/tjc