

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

SHARONE C BROOKS Claimant L A LEASING INC Employer	<div>68-0157 (9-06) - 3091078 - EI</div> <div>APPEAL NO. 16A-UI-02328-TN-T ADMINISTRATIVE LAW JUDGE DECISION</div> <div>OC: 10/25/15 Claimant: Appellant (2)</div>
---	---

Section 96.5(3)a – Work Refusal

STATEMENT OF THE CASE:

Sharone Brooks, the claimant, filed a timely appeal from a representative's decision dated February 19, 2016 (reference 03) which denied unemployment insurance benefits effective January 18, 2016; based upon a finding that the claimant refused to accept suitable work with L A Leasing, Inc. After due notice was provided, a telephone hearing was held on March 16, 2016. The claimant participated. The employer participated by Mr. Chad Baker, Workmen's Compensation Administrator, and Ms. Corey Thompson, Manager.

ISSUE:

At issue is whether the claimant refused a suitable offer of work.

FINDINGS OF FACT:

Having considered all of the evidence in the record, the administrative law judge finds: Sharone Brooks was employed by L A Leasing, Inc. from April 13, 2014 until October 30, 2015; when her assignment at the Rock-Ten Company located in Iowa City, Iowa came to an end. Ms. Brooks was employed full time at the assignment and made \$10.00 per hour.

On January 18, 2016, L A Leasing offered Ms. Brooks a job assignment at the Plastics Products Company offering \$10.00 per hour for first shift work. Plastics Products Company was located in West Branch, Iowa. Ms. Brooks declined the offer because the location of Plastics Products Company is West Branch, Iowa was approximately 13.2 miles away from her residence and no public transportation in the form of bus service was available to the location. The claimant had informed L A Leasing that she no longer had personal transportation and had to rely on bus service to get to job assignments. Ms. Brooks made an inquiry and determined that the only

public transportation available to that work location was by cab, at the rate of approximately \$25.00 each way. Ms. Brooks also made an inquiry and determined that she was unable to obtain a ride to and from work with any individuals that were willing to provide transportation to her to get to the job site.

Although the claimant considered the type of work and the pay acceptable, she declined the offer due to the distance to work and the lack of affordable public transportation to the site.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 96.4-3 provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

3. The individual is able to work, is available for work, and is earnestly and actively seeking work. This subsection is waived if the individual is deemed partially unemployed, while employed at the individual's regular job, as defined in section 96.19, subsection 38, paragraph "b", unnumbered paragraph 1, or temporarily unemployed as defined in section 96.19, subsection 38, paragraph "c". The work search requirements of this subsection and the disqualification requirement for failure to apply for, or to accept suitable work of section 96.5, subsection 3 are waived if the individual is not disqualified for benefits under section 96.5, subsection 1, paragraph "h".

Iowa Admin. Code r. 871-24.23(18) provides:

Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(18) Where the claimant's availability for work is unduly limited because such claimant is willing to work only in a specific area although suitable work is available in other areas where the claimant is expected to be available for work.

In the case at hand, the claimant was offered a new job assignment by L A Leasing. Although the work was suitable as to the type of work and the pay, the claimant was unable to accept it because the distance to the new job assignment was not within walking distance or available to affordable public transportation to and from the work site. Ms. Brooks had indicated to L A Leasing that she no longer had personal transportation and was required to rely on public transportation for future job assignments, and that cab fare to and from the site was too excessive.

Having considered all of the evidence in the record, the administrative law judge concludes that the claimant has established her burden of proof in establishing good cause for failing to accept this job assignment. The only assignment she had previously accepted from L A Leasing was a job in Iowa City, Iowa where Ms. Brooks resides and was able to utilize public bus transportation to and from the work site.

DECISION:

The representative's decision dated February 19, 2016 (reference 03) is reversed. The claimant refused an offer of suitable work with good cause. Unemployment insurance benefits are allowed, providing the claimant is otherwise eligible.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

can/can