

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**JENNIFER K PRITCHETT**  
Claimant

**PREMIER STAFFING INC**  
Employer

**APPEAL 21A-UI-01530-JC-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 05/17/20**  
**Claimant: Appellant (2)**

Iowa Code § 96.5(3)a – Failure to Accept Work  
Iowa Code § 96.4(3) – Ability to and Availability for Work

**STATEMENT OF THE CASE:**

The claimant/appellant, Jennifer K. Pritchett, filed an appeal from the December 11, 2020 (reference 02) Iowa Workforce Development (“IWD”) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on February 19, 2021. The hearing was held with Appeals 21A-UI-01529-JC-T. The claimant participated. The employer participated through Emily Martin.

The administrative law judge took official notice of the administrative records. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUES:**

Did claimant fail to accept a suitable offer of work and if so, was the failure to do so for a good cause reason?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant established a claim for benefits with an effective date of May 17, 2019.

Employer offered claimant a position with CCB Packaging on March 23, 2020 as a package, effective immediately, working first shift at \$10.00 per hour. Claimant declined the offer of work because she resides in Cedar Rapids and due to COVID-19, could not rely upon public transportation to get to Hiawatha, where the assignment was located. Due to COVID-19 restrictions, the bus would only allow 10 passengers and would simply not pick up additional passengers if at its quota, so claimant could not rely upon it. The bus later shut down temporarily in response to COVID-19 so no transportation was available. At the time, claimant had no license or vehicle. Claimant has worked for this employer off and on since 2018 and has never worked in Hiawatha. Claimant has otherwise been able and available for work.

Claimant has been otherwise able and available for work each week.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant is eligible for benefits.

A claimant who refuses recall to suitable employment without good cause is disqualified for unemployment insurance benefits until the claimant works in and is paid wages for insured work equal to 10 times the claimant's weekly benefit amount. Iowa Code section 96.5(3)(a).

Iowa Admin. Code r. 871-24.24(7) provides:

(7) Gainfully employed outside of area where job is offered. Two reasons which generally would be good cause for not accepting an offer of work would be if the claimant were gainfully employed elsewhere or the claimant did not reside in the area where the job was offered.

In this case, claimant did not reside in Hiawatha. Claimant presented credible evidence that she had never accepted employment in Hiawatha for the employer, and that in light of spotty public transportation due to the COVID-19 pandemic, she did not accept the position. Claimant has established a good cause reason for not accepting the offer of work.

For an individual to be eligible to receive benefits, he must be able to work, available for work, and actively seeking work as required by the unemployment insurance law. Iowa Code § 96.4(3). The burden is on the claimant to establish that she is able and available for work within the meaning of the statute. 871 IAC 24.22; *Davoren v. Iowa Employment Sec. Comm'n*, 277 N.W.2d 602, 603 (Iowa 1979).

Claimant has established she has been able and available for work. Accordingly, no disqualification is imposed. Benefits are allowed, provided she is otherwise eligible.

**DECISION:**

The December 11, 2020 (reference 02) initial decision is reversed. Claimant did fail to accept an offer of work with this employer but established a good cause reason. Benefits are allowed provided she is otherwise eligible.



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March 1, 2021  
Decision Dated and Mailed

jlb/scn