

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

**JOHN J OBERBROECKLING**  
Claimant

**APPEAL NO. 08A-UI-02212-AT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**HAMEL PARKING LOT SERVICE INC**  
Employer

**OC: 01/27/08 R: 04**  
**Claimant: Respondent (1)**

Section 96.5-3-a – Refusal of Suitable Work  
Section 96.4-3 – Able and Available for Work

**STATEMENT OF THE CASE:**

Hamel Parking Lot Service, Inc., filed a timely appeal from an unemployment insurance decision dated March 3, 2008, reference 01, that allowed benefits to John J. Oberbroeckling and imposed no disqualification on him based upon his failure to accept temporary employment on December 3, 2007. After due notice was issued, a telephone hearing was held March 19, 2008, with Mr. Oberbroeckling participating. Vice President Brenda Smith and Superintendent Larry Little participated for the employer.

**ISSUE:**

Did the claimant refuse a suitable offer of work on December 3, 2007?

Is the claimant eligible for unemployment insurance benefits for the week ending December 8, 2007?

**FINDINGS OF FACT:**

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Early on December 3, 2007, Superintendent Larry Little offered temporary employment to John Oberbroeckling. Mr. Oberbroeckling replied that he would be able to report to work at approximately noon. Mr. Little said that that was too late. Vice President Brenda Smith called Mr. Oberbroeckling at approximately 9:30 that morning to make the same offer. Mr. Oberbroeckling again declined because of a previous commitment to help his brother with snow shoveling following a major snow and ice storm. Mr. Oberbroeckling did not request unemployment insurance benefits between October 7, 2007, and the week ending December 22, 2007.

**REASONING AND CONCLUSIONS OF LAW:**

The question is whether there is any unemployment insurance consequence resulting from Mr. Oberbroeckling's refusal of temporary employment on December 3, 2007. The administrative law judge concludes that there are none.

The evidence in the record persuades the administrative law judge that Mr. Oberbroeckling did not absolutely reject the job offer. He told Mr. Little that he would be able to report to work at approximately noon on the day of the offer. The employer, however, needed help immediately. The administrative law judge concludes that the claimant's conditional acceptance of the job to begin a few hours later than requested by the employer was reasonable under the circumstances. Disqualification for refusal of work under Iowa Code section 96.5-3-a is not appropriate.

The record establishes that Mr. Oberbroeckling did not request unemployment insurance benefits for the week in question. Therefore, the question of whether he was available for work during the majority of that workweek is moot.

**DECISION:**

The unemployment insurance decision dated March 3, 2008, reference 01, is affirmed. The claimant is entitled to receive unemployment insurance benefits, provided he is otherwise eligible.

---

Dan Anderson  
Administrative Law Judge

---

Decision Dated and Mailed

kjw/kjw