

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BENNY L JACKSON
Claimant

APPEAL NO. 07A-UI-01065-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

USA STAFFING INC
Employer

OC: 01/01/06 R: 02
Claimant: Appellant (2)

Section 96.5(3)a – Refusal of Work

STATEMENT OF THE CASE:

Benny Jackson filed an appeal from a representative's decision dated January 23, 2007, reference 04, which denied benefits on a finding that he refused to apply for suitable work with USA Staffing, Inc. After due notice was issued, a hearing was held by telephone on February 14, 2007. Mr. Jackson participated personally. The employer did not respond to the notice of hearing.

ISSUE:

At issue in this matter is whether Mr. Jackson refused suitable work.

FINDINGS OF FACT:

Having heard the testimony of the witness and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Jackson was at one time employed by USA Staffing, Inc. He last worked for the company in early December of 2006. The employer had full-time work available on December 27, 2006, but Mr. Jackson did not accept the job. The particulars of the job are unknown.

REASONING AND CONCLUSIONS OF LAW:

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 evidence must establish that the work offered constituted suitable work within the meaning of the law. The employer did not participate in the hearing to provide details concerning work that was offered to Mr. Jackson on or about December 27, 2006. He was a poor historian for details of the offer. Therefore, the administrative law judge cannot determine if the work paid the requisite wages that would make it suitable work. Absent competent evidence of an actual offer of suitable work, the administrative law judge finds no basis for disqualification.

Mr. Jackson has not been claiming benefits. He must make at least two in-person job contacts each week and call in his claim weekly in order to be eligible to receive benefits.

DECISION:

The representative's decision dated January 23, 2007, reference 04, is hereby reversed. Mr. Jackson did not refuse an offer of suitable work with USA Staffing, Inc. on December 27, 2006. Benefits are allowed, provided Mr. Jackson satisfies all other conditions of eligibility.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/pjs