

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**KAROLYNN J LUCAS**  
Claimant

**APPEAL NO: 09A-UI-08119-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**SEDONA STAFFING**  
Employer

**OC: 01/18/09**  
**Claimant: Respondent (4)**

Section 96.4-3 – Ability to and Availability for Work  
Section 96.5-3-a – Offer of Suitable Work

**STATEMENT OF THE CASE:**

Sedona Staffing (employer) appealed a representative's May 4, 2009 decision (reference 05) that concluded Karolynn J. Lucas (claimant) remained eligible to receive benefits on February 12, 2009, because the employer's offer of work was not suitable for her. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on June 23, 2009. The claimant participated in the hearing. Chad Baker and Kelly Rankin, an account manager, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUES:**

Was the claimant able to and available for work the week ending February 14, 2009?

Did the claimant refuse the employer's February 12 offer of work without good cause?

**FINDINGS OF FACT:**

The claimant established a claim for benefits during the week of January 18, 2009. On February 12, the employer offered the claimant a one-day job as a banquet server on February 17, 2009. The job paid \$8.05 an hour. The job started at 3:00 p.m. on February 17 and ended at 2:00 a.m. on February 18, 2009. Even though the claimant had accepted this type of work before, she declined the job because she did not know anyone who would stay overnight with her nine-year-old child.

**REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if she refused an offer of suitable work without good cause. Iowa Code § 96.5-3-a. Before a claimant can be disqualified under Iowa Code § 96.3-a, she must be able to and available for work. 871 IAC 24.24(4). The question of the claimant's availability for the week ending February 21 has already been addressed in the decision for appeal 09A-UI-08118-DWT. Based on the decision for

appeal 09A-UI-08118-DWT, the claimant was not available for work the week ending February 21 and has been overpaid \$122.00 in benefits for this week.

**DECISION:**

The representative's May 4, 2009 decision (reference 05) is modified in the employer's favor. The issue of the claimant's availability to work the week ending February 21, 2009 has been previously addressed in the decision for appeal 09A-UI-08118-DWT. This decision held she was not eligible to receive benefits this week and had been overpaid \$122.00 in benefits for the week ending February 21, 2009.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/css