

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

TERESA L OLIVER
217 N DELAWARE
OSCEOLA IA 50213

ADVANCE SERVICES INC
c/o TALX UCM SERVICES INC
PO BOX 66864
SAINT LOUIS MO 63166-6864

Appeal Number: 04A-UI-12726-S2T
OC: 04/04/04 R: 03
Claimant: Respondent (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

871 IAC 24.24(15)(a)– Refusal to Accept Suitable Work

STATEMENT OF THE CASE:

Advance Services (employer) appealed a representative's November 17, 2004 decision (reference 04) that concluded Teresa Oliver (claimant) was eligible to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on December 20, 2004. The claimant participated personally. The employer participated by Mandy Henderson, Human Resources Account Coordinator.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The employer is a temporary employment service. The claimant performed services from October 31, 2003, through October 11, 2004. She signed a document indicating that she was to contact the employer within three days following the completion of an assignment to request placement in a new assignment. The employer did not give the claimant a copy of the document.

On October 14, 2004, the employer offered the claimant a position 90 miles one-way drive from the claimant's residence and a position at a dust-filled furniture maker. The claimant is allergic to dust and takes medication for her affliction.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant failed to accept an offer of suitable work. For the following reasons the administrative law judge concludes she did not.

871 IAC 24.24(15)(a) Suitable work.

In determining what constitutes suitable work, the department shall consider, among other relevant factors, the following:

- a. Any risk to the health, safety and morals of the individual.

The work that was offered was a risk to the claimant's health due to the dust. The work offered to the claimant was not suitable work because of the health issue. The claimant is not disqualified from receiving unemployment insurance benefits.

DECISION:

The representative's November 17, 2004 decision (reference 04) is affirmed. The work offered to the claimant was not suitable. The claimant is not disqualified from receiving unemployment insurance benefits.

bas/pjs