

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

RANDY L THOMPSON
516 S 1ST ST
ELDRIDGE IA 52748-1607

RIVERSIDE STAFFING SERVICES INC
c/o TALX UC EXPRESS
PO BOX 283
ST LOUIS MO 63166-0283

Appeal Number: 06A-UI-05844-CT
OC: 04/23/06 R: 04
Claimant: Respondent (1-R)

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)

Section 96.5(3)a – Refusal of Work

STATEMENT OF THE CASE:

Riverside Staffing Services, Inc. (Riverside) filed an appeal from a representative's decision dated May 23, 2006, reference 02, which held that no disqualification would be imposed regarding Randy Thompson's separation from employment. After due notice was issued, a hearing was held by telephone on June 22, 2006. Mr. Thompson participated personally. The employer participated by Stacy Sheldon, Office Manager.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Thompson began working through Riverside, a temporary staffing service, in February of 2006. He completed an assignment on April 14,

2006. On April 18, he was offered an assignment with Logistic Services, Inc. to start on April 19. The assignment was for a minimum of 40 hours each week and paid \$7.50 per hour. It was a long-term assignment that would have lasted at least two weeks. Mr. Thompson accepted the assignment. On the morning of April 19, he called and indicated he was not accepting the assignment. He decided to take self-employment work instead and worked in self-employment for four to five weeks. Mr. Thompson filed a claim for job insurance benefits effective April 23, 2006.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether any disqualification should be imposed for Mr. Thompson's failure to work for Logistic Services, Inc. Since he did not begin the assignment on April 19, 2006 as scheduled, the administrative law judge concludes that his failure constituted a refusal of work. 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. However, a disqualification is imposed only if the offer and refusal occur during a time the individual has a valid claim on file for job insurance benefits. 871 IAC 24.24(8). In the case at hand, Mr. Thompson did not file a claim for job insurance benefits until April 23, 2006. Therefore, he cannot be disqualified for refusing work on April 19, prior to filing his claim.

Mr. Thompson testified that he performed self-employment for a period of four to five weeks after refusing work through Riverside on April 19. He has claimed job insurance benefits for each of the four weeks ending May 20, 2006. Since he was working full-time in self-employment, it does not appear that Mr. Thompson would be entitled to benefits for the four weeks ending May 20, 2006. This matter shall be remanded to Claims for a determination on the availability issue.

DECISION:

The representative's decision dated May 23, 2006, reference 02, is hereby affirmed as to result. Mr. Thompson refused work with Riverside on April 19, 2006, but no disqualification is imposed as he did not have a valid claim for job insurance benefits in effect at the time of the refusal. This matter is remanded to Claims for a determination regarding Mr. Thompson's availability for work during the four weeks ending May 20, 2006.

cfc/kkf