

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

**HOWARD H SPEIGHT**  
Claimant

**APPEAL NO. 15A-UI-09797-S1-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**HY-LINE NORTH AMERICA LLC**  
**HY LINE NA LLC**  
Employer

**OC: 05/31/15**  
**Claimant: Appellant (2)**

Section 96.5-3-a – Refusal to Accept Suitable Work

**STATEMENT OF THE CASE:**

Howard Speight (claimant) appealed a representative's August 25, 2015, decision (reference 04) that concluded he was not eligible to receive unemployment insurance benefits because he refused suitable work with Hy-Line North America (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for September 16, 2015. The claimant participated personally. The employer did not provide a telephone number where it could be reached and therefore, did not participate in the hearing.

**ISSUE:**

The issue is whether the claimant refused suitable work.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant filed for unemployment insurance benefits with an effective date of May 31, 2015. On July 16, 2015, the claimant stopped by the employer's establishment and completed a job application for a production worker. The job was advertised at \$13.00 per hour. He handed the application and résumé to the employer and left. About four hours later, the employer called him. The employer noticed the claimant had a commercial drivers' license and mentioned a job that was not advertised. The claimant agreed to return and talk about the position.

Later that day the claimant met with the employer. The employer had an over-the-road driver position available and offered it to the claimant. The claimant would travel out-of-state, work 50 to 70 hours per week, and earn \$17.00 per hour as a company driver. The claimant would not be at home every night. The claimant asked for time to think about the job. The claimant did not have the proper Department of Transportation certification to transport items out-of-state. He would need training and have to pass tests before he could qualify for the position. The claimant did not want to be away from home over night. On July 21, 2015, the claimant refused the position.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow the administrative law judge concludes the claimant did not refuse an offer of suitable work.

Iowa Admin. Code r. 871-24.24(2)a provides:

- a. The job offered must be within the claimant's physical capabilities and not require any undue physical skill or particular training which the claimant does not already possess. As the period of unemployment lengthens, work which might originally have been unsuitable may become suitable.

The work that was offered was work that took the claimant out-of-state overnight with a license he did not have. The work offered to the claimant was not suitable work. Benefits are allowed, provided claimant is otherwise eligible.

**DECISION:**

The representative's August 25, 2015, decision (reference 04) is reversed. Benefits are allowed, provided claimant is otherwise eligible.

---

Beth A. Scheetz  
Administrative Law Judge

---

Decision Dated and Mailed

bas/css