

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**NYADAK B DHUOR**  
Claimant

**APPEAL NO. 08A-UI-00222-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**DES STAFFING SERVICES INC**  
Employer

**OC: 12/02/07 R: 02  
Claimant: Respondent (1)**

Section 96.5-3-a - Failure to Accept Suitable Work  
Section 96.4-3 - Able to and Available for Work

**STATEMENT OF THE CASE:**

The employer appealed an unemployment insurance decision dated January 7, 2008, reference 01, that concluded the claimant was not subject to disqualification for failing to accept work. A telephone hearing was held on January 24, 2008. The parties were properly notified about the hearing. The claimant participated in the hearing. Amy MacGregor participated in the hearing on behalf of the employer with a witness, Holly Lombardo.

**ISSUES:**

Did the claimant fail to accept an offer of suitable work without good cause?  
Was the claimant able to and available for work?

**FINDINGS OF FACT:**

The employer is a staffing service that provides workers to client businesses on a temporary or indefinite basis. The claimant worked full time for the employer on an assignment at Burke Outsourcing from September 28, 2007, to November 28, 2007. She was told by Burke that she was laid off and needed to contact the employer for another assignment.

After the assignment at Burke, the claimant contacted the employer by phone and in person asking for another assignment. She has not been offered any other assignment.

**REASONING AND CONCLUSIONS OF LAW:**

The issue in this case is whether the claimant is subject to disqualification for failing to accept an offer of suitable work without good cause.

Iowa Code section 96.5-3-a provides:

An individual shall be disqualified for benefits:

3. Failure to accept work. If the department finds that an individual has failed, without good cause, either to apply for available, suitable work when directed by the department or to accept suitable work when offered that individual....

The findings of fact show how I resolved the disputed factual issues in this case by carefully assessing the credibility of the witnesses and reliability of the evidence and by applying the proper standard and burden of proof. The employer has the burden to prove by the preponderance of the evidence it offered suitable work to the claimant. The claimant testified credibly and consistently that she never was offered work after the Burke assignment ended and would have taken a job if offered because she desperately needed employment. Lombardo claimed she spoke with the claimant on December 4 and she declined the job due to personal issues. I am more persuaded by the claimant's testimony. No work was offered based on the preponderance of the evidence standard.

**DECISION:**

The unemployment insurance decision dated January 7, 2008, reference 01, is affirmed. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/pjs