

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

BOBBY L BURLEY
1076 HWY 6
WEST LIBERTY IA 52776

CAMBRIDGE TEMPOSITIONS INC
ATTN MANAGER
610 – 32ND AVE SW STE A
CEDAR RAPIDS IA 52404-9555

Appeal Number: 05A-UI-03572-CT
OC: 03/06/05 R: 03
Claimant: Appellant (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)

Section 96.5(3)a – Refusal of Work
Section 96.4(3) – Able and Available

STATEMENT OF THE CASE:

Bobby Burley filed an appeal from a representative's decision dated April 1, 2005, reference 02, which denied benefits on a finding that he had refused an offer of suitable work from Cambridge Tempositions, Inc. After due notice was issued, a hearing was held by telephone on April 26, 2005. Mr. Burley participated personally. The employer participated by Crystal Lansing, Branch Manager.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all the evidence in the record, the administrative law judge finds: Mr. Burley began working through Cambridge Tempositions, Inc. on June 16, 2004. He completed his last assignment on February 4, 2005. On March 10, 2005, he was offered a full-time, long-term assignment with the University of Iowa laundry. The work was available from 6:00 or 7:00 a.m. until 2:30 or 3:30 p.m. Mr. Burley declined the work because he did not have transportation available during those hours. On March 14, he was offered an assignment with Alpla in Iowa City working 36 hours per week. The two shifts available were either from 6:00 a.m. until 6:30 p.m. or from 6:00 p.m. until 6:30 a.m. Mr. Burley also declined this work because he did not have transportation.

Mr. Burley does not have his own transportation. He advised the employer that he could work third shift at any location and second shift in Iowa City. He can only work hours where his girlfriend would be available to take him to and from work. His girlfriend's work hours change periodically between day and night shifts.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether any disqualification should be imposed for Mr. Burley's refusal of work. An individual who refuses suitable work is disqualified from receiving job insurance benefits. Iowa Code section 96.5(3)a. However, before an individual may be disqualified, the evidence must establish that he was available for work as required by Iowa Code section 96.4(3). See 871 IAC 24.24(4). Mr. Burley does not have his own transportation and is dependent upon his girlfriend to drive him to work and pick him up after work. However, according to his testimony, her hours of work are subject to periodic change. Given the changes in the girlfriend's work schedule, it appears that Mr. Burley is not in a position to commit to employment as he may not have transportation to continue employment when her schedule changes. He does not live in an area where public transportation is readily available.

For the reasons cited herein, the administrative law judge concludes that Mr. Burley's lack of transportation prevents him from being available to accept employment. Therefore, he does not satisfy the availability requirements of the law. Accordingly, benefits are denied.

DECISION:

The representative's decision dated April 1, 2005, reference 02, is hereby affirmed as to result. Mr. Burley is not available for work within the meaning of the law and is disqualified from receiving benefits until such time as he establishes to his local office that he is again available for work.

cfc/pjs