

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CHRISTOPHER A KOZIOL
Claimant

APPEAL NO. 09A-UI-18447-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

PUTMAN INC
Employer

OC: 10/25/09
Claimant: Respondent (1-R)

Section 96.5(3)a – Refusal of Work

STATEMENT OF THE CASE:

Putman, Inc. filed an appeal from a representative's decision dated December 2, 2009, reference 03, which held that no disqualification would be imposed regarding Christopher Koziol's November 16, 2009 refusal of work. After due notice was issued, a hearing was held by telephone on February 17, 2010. Mr. Koziol participated personally. The employer participated by Kelly Peterson, Branch Manager.

ISSUE:

At issue in this matter is whether any disqualification should be imposed as a result of Mr. Koziol's refusal of work.

FINDINGS OF FACT:

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: On November 16, 2009, Putman, Inc., a temporary placement firm, offered Mr. Koziol an assignment as a heating and cooling installer. The assignment was for 40 to 45 hours each week and paid \$15.00 per hour. He declined the position because he was on layoff from his regular job with Capital City Heating and Cooling.

Mr. Koziol filed a claim for job insurance benefits effective October 25, 2009. Workforce Development coded him as a Group "3" claimant, meaning he was considered temporarily laid off. The average weekly wage paid to him during that quarter of his base period in which his wages were highest was \$561.86.

REASONING AND CONCLUSIONS OF LAW:

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, this section is waived if an individual is on a temporary layoff. Iowa Code section 96.4(3). Workforce Development determined that Mr. Koziol was on a temporary layoff and coded his claim as Group "3". See 871 IAC 24.2(1)c(3). The period of temporary layoff may not exceed four weeks. Iowa Code section 96.19(38)c. The work offered to Mr. Koziol by Putman, Inc. on November 16 was

offered during his fourth week of unemployment. Because the offer was made during the four weeks of temporary layoff, no disqualification may be imposed for the refusal.

Mr. Koziol has now been laid off more than four weeks. This matter shall be remanded to Claims to determine whether his group code designation should be changed and to issue appropriate notices if necessary.

DECISION:

The representative's decision dated December 2, 2009, reference 03, is hereby affirmed. No disqualification is imposed for Mr. Koziol's November 16, 2009 refusal of work with Putman, Inc. as he was on a temporary layoff. Benefits are allowed, provided he is otherwise eligible. This matter is remanded to Claims to determine if his group code should be changed.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/pjs