

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

JAMIESON R HARRISS
425 ANKENY
WATERLOO IA 50703

PALMAS RESTAURANT AND LOUNGE
1405 – 19TH ST S
NEWTON IA 50208

Appeal Number: 04A-UI-05038-AT
OC: 02-08-04 R: 03
Claimant: Respondent (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 Suitable Work

STATEMENT OF THE CASE:

Palma's Restaurant and Lounge filed a timely appeal from an unemployment insurance decision dated April 27, 2004, reference 05, which allowed benefits to Jamieson R. Harriss upon a finding that he had not been referred to work with that employer. Due notice was issued for a telephone hearing to be held May 24, 2004. Mr. Harriss did not respond to the hearing notice. Richard Bice participated for Palma's.

FINDINGS OF FACT:

Having examined all matters of record, the administrative law judge finds: Jamieson R. Harriss lives in Waterloo. Palma's Restaurant and Lounge is located in Newton, Iowa. Mr. Harriss was not referred to work at the restaurant, and he has never been employed by the restaurant.

REASONING AND CONCLUSIONS OF LAW:

The question is whether Mr. Harriss should be denied unemployment insurance benefits for refusing a referral of work to Palma's Restaurant and Lounge. He should not. The earlier decision indicates that the Agency did not refer Mr. Harriss to the business. Given the distance between Waterloo and Newton, the administrative law judge concludes that it is unlikely that work at the restaurant would have been suitable for Mr. Harriss even if an offer had been made.

Since Mr. Harriss was never employed by Palma's Restaurant and Lounge, the employer cannot be charged for any benefits paid to Mr. Harriss.

DECISION:

The unemployment insurance decision dated April 27, 2004, reference 05, is affirmed. The claimant is entitled to receive unemployment insurance benefits, provided he is otherwise eligible. No benefits shall be charged to the account of Palma's Restaurant and Lounge.

tjc/b