

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JAMES D SEALS

Claimant

APPEAL NO. 08A-UI-08880-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CAMBRIDGE TEMPOSITIONS INC

Employer

**OC: 07/27/08 R: 03
Claimant: Respondent (1)**

Section 96.5(3)a – Refusal of Work

STATEMENT OF THE CASE:

Cambridge Tempositions filed an appeal from a representative's decision dated September 22, 2008, reference 02, which held that no disqualification would be imposed regarding James Seals' refusal of work on August 4, 2008. After due notice was issued, a hearing was held by telephone on October 20, 2008. Mr. Seals participated personally. The employer participated by Stephanie Matteson, Account Manager.

ISSUE:

At issue in this matter is whether Mr. Seals refused an offer of suitable work from Cambridge Tempositions on August 4, 2008.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Seals began working through Cambridge Tempositions in September of 2007. An attempt was made to contact him regarding work on August 4, 2008. However, the telephone number the employer had for him was disconnected at that time. He did not receive any messages indicating that work was available.

The employer next contacted Mr. Seals on September 25 regarding work with Allside Windows. The account manager wanted him to come in that day, but he was not able to do so. Arrangements were made for him to come in the next day, which he did. Mr. Seals began working full time for Allside Windows on September 29 and was still on the assignment at the time of the hearing.

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. The evidence of record establishes that there was no actual offer of work to Mr. Seals on August 4, 2008. An attempt to reach him or leaving a message for him does not constitute an offer of work within the meaning

of the law. As such, there is no basis on which to disqualify Mr. Seals regarding the August 4 potential offer.

Mr. Seals did accept the work that was offered to him on September 26 and has been working full time since September 29. He stopped claiming job insurance benefits with the week ending September 27, 2008. Because he has been working full time, Mr. Seals no longer satisfies the availability requirements of Iowa Code section 96.4(3). As such, benefits are denied as of the Sunday of the week in which he resumed work activity, September 28, 2008.

DECISION:

The representative's decision dated September 22, 2008, reference 02, is hereby affirmed. Mr. Seals did not refuse an offer of suitable work with Cambridge Tempositions on August 4, 2008. Benefits are allowed, provided he satisfies all other conditions of eligibility. Benefits are denied as of September 28, 2008, as Mr. Seals was no longer available for work. Benefits are denied until such time as he is again unemployed and available for work.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/kjw