

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

JOSHUA L SANDHOLDT  
1523 – 7<sup>th</sup> ST NW  
CLINTON IA 52732

WALDORF CORPORATION  
2301 S 21<sup>ST</sup> ST  
CLINTON IA 52732

WALDORF CORPORATION  
c/o TALX EMPLOYER SERVICES  
PO BOX 429503  
CINCINNATI OH 45242-9503

Appeal Number: 05A-UI-05423-AT  
OC: 08/15/04 R: 04  
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, 4<sup>th</sup> 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.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5-3-a – Refusal of Suitable Work

STATEMENT OF THE CASE:

Waldorf Corporation filed a timely appeal from an unemployment insurance decision dated May 6, 2005, reference 02, which allowed benefits to Joshua L. Sandholdt upon a finding that he refused an offer of work with Waldorf Corporation because he was employed elsewhere at the time. Due notice was issued for a telephone hearing to be held June 14, 2005. Mr. Sandholdt did not respond to the notice. The employer provided the name and telephone number of Rose Duax. When the administrative law judge called that number at the time of the hearing, it was answered by a recording. The administrative law judge left a message instructing the witness to contact the administrative law judge by 11:15 a.m. if she wished to participate in a hearing. There was no contact from the employer by 11:15 a.m. This decision

is based on information in the administrative file as well as in agency benefit payment records and wage records.

**FINDINGS OF FACT:**

Having examined all matters of record, the administrative law judge finds: Waldorf Corporation recalled Joshua L. Sandholdt to work on November 11, 2004. Mr. Sandholdt declined the offer because he was then working for Schult Engineering and Pattern Company.

**REASONING AND CONCLUSIONS OF LAW:**

The question is whether Mr. Sandholdt should be disqualified for benefits for refusing recall from Waldorf Corporation. The administrative law judge concludes that disqualification is not appropriate. Iowa Code section 96.5-3-a disqualifies an individual for failing to accept a suitable offer of work or recall to suitable work. On the other hand, a provision of the Iowa Administrative Code, 871 IAC 24.24(7), provides that an individual shall not be disqualified for refusing an offer of work or recall to work if the individual is gainfully employed elsewhere. The claimant's statement during fact finding was that he was employed by Schult Engineering when offered recall by Waldorf. Mr. Sandholdt did not request unemployment insurance benefits during November or 2004, and Schult Engineering reported wages for him for the fourth quarter of 2004. Waldorf has offered no evidence disputing Mr. Sandholdt's contentions. Disqualification is not appropriate.

The administrative law judge notes that Mr. Sandholdt was denied unemployment insurance benefits when his employment with Schult Engineering ended. This decision does not remove that disqualification.

**DECISION:**

The unemployment insurance decision dated May 6, 2005, reference 02, is affirmed. No disqualification shall be imposed because of the claimant's refusal of recall from work at Waldorf Corporation on November 11, 2004.

kjw/pjs