

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

DENNIS R STEPHENS
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OAKVILLE IA 52646-8058

R J PERSONNEL INC
TEMP ASSOCIATES
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MUSCATINE IA 52761

Appeal Number: 06A-UI-03484-DWT
OC: 02/20/05 R: 04
Claimant: Appellant (2)

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 96.4-3 – Ability to and Availability for Work
Section 96.5-3-a – Refusal of Offer of Suitable Work

STATEMENT OF THE CASE:

Dennis R. Stephens (claimant) appealed a representative's March 15, 2006 decision (reference 08) that disqualified the claimant from receiving unemployment insurance benefits as of February 17, 2006, because he refused to accept Temp Associates' (employer) offer of suitable work. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on April 13, 2006. The claimant participated in the hearing. Mike Thomas and Angie Timmerman, both account managers, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUES:

Was the claimant able to and available for work the week of February 19, 2006?

Did the claimant refuse an offer of suitable work without good cause?

FINDINGS OF FACT:

The claimant registered to work for the employer on August 8, 2005. The employer assigned the claimant to a job on August 26, 2005. The claimant earned \$9.46 per hour at this job. This job assignment ended on January 24, 2006.

Timmerman contacted the claimant on February 17, 2006, and offered him another production job that was to start February 21, 2006. This job paid \$9.25 an hour. The claimant accepted the job on February 17, 2006. Before the claimant could start this job assignment, he had to go to the employer's office and complete paperwork. The employer scheduled the claimant to do this on Monday, February 20, at 1:00 p.m.

On his way to the employer's office on February 20, the claimant's vehicle broke down on a gravel road. By the time the claimant could get help with his vehicle and get back to his home to call the employer it was after 5:00 p.m. The claimant did not call the employer on February 20, 2006. When the claimant did not complete the paperwork or contact the employer on February 20, the employer assigned the job to another person on February 21, 2006.

The claimant repaired his vehicle on February 21, 2006. After the claimant's vehicle was fixed, he called the employer mid or late afternoon on February 21, 2006. The claimant left a message for Timmerman on February 21, asking her to return his phone call. The employer did not contact the claimant again.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he refused an offer of suitable work without good cause. Iowa Code § 96.5-3-a. Before a disqualification can be imposed for failing to accept work, a claimant must be able to and available for work. 871 IAC 24.24(4).

The claimant accepted the employer's job assignment on February 17, 2006. The evidence establishes the claimant would have worked at this new assignment but did not because his vehicle broke down on the way to the employer's office on February 20, 2006. The claimant did not expect his vehicle to break down on a gravel road on February 20. Instead of stopping at a stranger's home to use a phone to call the employer's office, he tried to get help and get back to his home. By the time the claimant was home or at a friend's home, it was after 5:00 p.m.

If the claimant would have called the employer the morning of February 21, the employer may have been able to keep the job assignment for him, but the claimant waited until his vehicle was repaired before he contacted the employer. By the time the claimant had transportation, the employer contacted another person who accepted the same job assignment. Under these facts, the claimant established good cause for not following through and completing the necessary paperwork to start the job. Since the claimant was only without transportation for two days, the claimant was available the majority of the week.

The claimant is not disqualified from receiving benefits under Iowa Code § 96.5-3-a. The claimant remains eligible to receive benefits as of February 17, 2006.

DECISION:

The representative's March 15, 2006 decision (reference 08) is reversed. Although the claimant was unable to complete the necessary paperwork to start a job he had accepted on February 17, 2006, the claimant established good cause for not reporting to the employer's office on February 20. The claimant is not disqualified from receiving benefits under Iowa Code § 96.5-3-a. Although the claimant did not have transportation for two days, he was available to work the majority of the week and he remains qualified to receive benefits as of February 17, 2006.

dlw/kkf