

**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**

**STEPHANIE K MASSAWE
1562 – 340TH ST
MANLY IA 50456**

**EXPRESS SERVICES INC
PO BOX 720660
OKLAHOMA CITY OK 73172-0660**

**Appeal Number: 06A-UI-05766-DT
OC: 10/02/05 R: 02
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 – Work Refusal

STATEMENT OF THE CASE:

Express Services, Inc. (employer) appealed a representative's May 26, 2006 decision (reference 04) that concluded Stephanie K. Massawe (claimant) was qualified to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on June 21, 2006. The claimant participated in the hearing. Andre Smith 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.

ISSUE:

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

FINDINGS OF FACT:

The employer is a temporary employment firm. The claimant began taking assignments with the employer's Mason City, Iowa, office on May 24, 2005. Her final assignment began on April 24, 2006. Her last day on the assignment was April 28, 2006. The assignment was designed to only run for that period. She worked that week as a receptionist in the employer's municipal client's city hall.

On May 11, 2006, the employer's representative contacted the claimant and inquired whether she would be willing to work at the same position the following week beginning May 15. The claimant indicated that she was willing to do so, but she suggested that the municipal client should be checked to see if there were any concerns due to the fact that the claimant was pregnant with a due date of June 4, 2006. The municipal client was consulted, and in fact indicated that it was not comfortable with the claimant working the assignment, as there would be no one else available on site if the claimant went into labor and had to leave. Therefore, the municipal client instructed the employer to rescind the offer to the claimant, which it did.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant refused a suitable offer of work.

Here, the employer rescinded the offer of work even though the claimant had been agreeable; there was no disqualifying refusal.

DECISION:

The representative's May 26, 2006 decision (reference 04) is affirmed. The claimant did not refuse a suitable offer of work. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

ld/cs