

**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**

**ANGELA R GRAY
324 W 8TH ST S
NEWTON IA 50208**

**TEMP ASSOCIATES – MARSHALLTOWN
307 W MAIN ST
MARSHALLTOWN IA 50158**

**Appeal Number: 05A-UI-08094-S2T
OC: 06/05/05 R: 02
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 96.5-3-a – Failure to Accept Suitable Work

STATEMENT OF THE CASE:

Angela Gray (claimant) appealed a representative's July 26, 2005 decision (reference 04) that concluded she was not eligible to receive unemployment insurance benefits because she refused suitable work with Temp Associates - Marshalltown (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on August 24, 2005. The claimant participated personally. The employer participated by Nancy Mullaney, Account Manager.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and having considered all of the evidence in the record, finds that: The claimant was hired on April 18, 2005, as a temporary

employee. On July 6, 2005, the claimant was offered work by another employer and accepted. She was to start her new job on July 20, 2005. On July 7, 2005, the employer offered the claimant long-term temporary employment. The claimant refused the job because she had a new job with another employer.

The employer is not a base period employer.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant failed to accept an offer of suitable work. For the following reasons the administrative law judge concludes she did not.

871 IAC 24.24(7) provides:

(7) Gainfully employed outside of area where job is offered. Two reasons which generally would be good cause for not accepting an offer of work would be if the claimant were gainfully employed elsewhere or the claimant did not reside in the area where the job was offered.

When a claimant is gainfully employed elsewhere, she will not be disqualified for refusal of an offer of work. The claimant was gainfully employed elsewhere at the time the offer was made. She is not disqualified from receiving unemployment insurance benefits.

DECISION:

The unemployment insurance decision dated July 26, 2005 (reference 04) is reversed. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible. The employer will not be charged, because the employer is not a base period employer.

bas/kjw