

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TOMMIE JENKINS

Claimant

APPEAL NO. 15A-UI-00413-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

QPS EMPLOYMENT GROUP INC

Employer

OC: 03/23/14

Claimant: Appellant (2)

Section 96.5-3-a – Refusal to Accept Suitable Work

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Tommie Jenkins (claimant) appealed a representative's January 7, 2015, decision (reference 01) that concluded he was not eligible to receive unemployment insurance benefits because he refused suitable work with QPS Employment Group (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for February 5, 2015. The claimant participated personally. The employer did not provide a telephone number where it could be reached and therefore, did not participate in the hearing.

ISSUE:

The issue is whether the claimant refused suitable work.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The employer is a temporary agency. The claimant worked for the employer from April 13, 2013, through March 2014. The claimant and the employer had an agreement that the claimant would only work at assignments on public transportation routes. The claimant did not own a car and had bad knees.

The claimant filed a new claim for unemployment insurance benefits with an effective date of March 23, 2014. The claimant's highest quarter of wages during his base period was the fourth quarter of 2012, during which his wages totaled \$4,324.00. The claimant's average weekly wage during his highest quarter of wages was, therefore, \$332.00.

On June 12, 2014, the employer offered the claimant a full-time job earning \$9.00 per hour or \$360.00 per week. The claimant refused the offer of work because the job was not on a public transportation route.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant is able and available for work. Before a claimant can be disqualified from receiving unemployment insurance benefits for refusing an offer of suitable work, the claimant must be able and available for work. 871 IAC 24.24(4). The claimant was able and available for work.

The work offered was too distant for the claimant. Without a prior specific agreement between the employer and employee the employee's refusal to follow the employer to a distant new job site shall not be reason for a refusal disqualification. 871 IAC 24.24 (10). The work offered to the claimant was not suitable work because of the distance to the job. The employer and the claimant had a prior agreement that all work would be on a public transportation route. The job offered was not suitable because it was not on a route. The claimant is not disqualified from receiving unemployment insurance benefits.

DECISION:

The representative's January 7, 2015, decision (reference 01) is reversed. The claimant is qualified to receive unemployment insurance benefits.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/pjs