

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TODD DEGROOT
Claimant

APPEAL NO. 08A-UI-05322-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SUPREME STAFFING INC
Employer

OC: 05/11/08 R: 03
Claimant: Respondent (1)

Section 96.5-3-a – Refusal of Suitable Work

STATEMENT OF THE CASE:

Supreme Staffing, Inc. (employer) appealed a representative's June 3, 2008 decision (reference 01) that concluded Todd Degroot (claimant) was qualified to receive benefits even though he declined the employer's October 23, 2007 offer of work. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on June 17, 2008. The claimant failed to respond to the hearing notice by contacting the Appeals Section prior to the hearing and providing the phone number at which he could be contacted to participate in the hearing. As a result, no one represented the claimant. Mike Riehl, the office manager, appeared on the employer's behalf. Based on the evidence, the arguments of the employer, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Should the claimant be disqualified from receiving benefits for declining a job assignment the employer offered to him on October 23, 2007, when he did not have an established unemployment insurance claim until the week of May 11, 2008?

FINDINGS OF FACT:

The claimant first started working for the employer on December 13, 2004. The most recent job the employer assigned the claimant started on September 16, 2006. The claimant worked at this assignment until October 20, 2007. On October 23, 2007, the client contacted the employer to let the employer know the client did not have anymore work for the claimant to do.

The employer informed the claimant on October 23, 2007, that his job assignment had been completed. However, the employer had another long-term job at a company where the claimant had previously worked. The employer offered the claimant a job at this company that would start on October 24. At this job, the claimant would earn 50 cents more an hour. This was a temp-to-hire job. The claimant declined the job offer.

The claimant did not have an established unemployment insurance claim in October 2007. The claimant did not establish a claim for benefits until the week of May 11, 2008. The claimant has not filed any weekly claims as of June 17, 2008

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he refuses an offer of suitable work without good cause. Iowa Code § 96.5-3-a. The law, however, states that both the offer of work and the claimant's refusal must occur within the claimant's benefit year before the disqualification under Iowa Code § 96.5-3-a can be imposed. 871 IAC 24.24(8). The facts establish the claimant completed a job assignment. The employer then offered him another job assignment for a different business client, at a different rate of pay, and at a different location. Since the claimant did not have a claim for benefits established during October 2007, no disqualification can be imposed upon him for declining an offer of work on October 23, 2007.

If the claimant reopens his claim for benefits during his current benefit year, the employer may at that time decide to offer the claimant another job.

DECISION:

The representative's June 3, 2008 decision (reference 01) is affirmed. The claimant is not disqualified from receiving benefits as of May 11, 2008, even though he declined the employer's October 23, 2007 offer of work.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw