

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KEVIN A DUDLEY
Claimant

APPEAL NO. 07A-UI-02500-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CAMBRIDGE TEMPOSITIONS INC
Employer

OC: 02/04/07 R: 03
Claimant: Respondent (1)

Section 96.5(3)a – Refusal of Work

STATEMENT OF THE CASE:

Cambridge Tempositions, Inc. (Cambridge) filed an appeal from a representative's decision dated March 8, 2007, reference 01, which held that no disqualification would be imposed regarding Kevin Dudley's February 12, 2007 refusal of work. After due notice was issued, a hearing was held by telephone on April 10, 2007. Mr. Dudley participated personally. The employer participated by Darlene Hughes, Account Manager.

ISSUE:

At issue in this matter is whether Mr. Dudley refused an offer of suitable work and, if so, whether he had good cause for doing so.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Dudley began working through Cambridge in November of 2006. On February 9, 2007, he completed an assignment with Aegon USA. He was notified by Cambridge on Friday, February 9, that the assignment was over.

Cambridge contacted Mr. Dudley on February 12 and offered him an assignment with Klein Tools. It was a full-time assignment of indefinite duration. The job order required that the individual placed in the assignment have steel-toed boots. Mr. Dudley declined the assignment because he did not have the required boots and could not afford to purchase them. He was not aware that he could have purchased them through Cambridge and had the cost deducted from his pay. The fact that he did not have the required boots was the sole reason for declining the assignment.

REASONING AND CONCLUSIONS OF LAW:

An individual who refuses an offer of suitable work is disqualified from receiving job insurance benefits. Iowa Code section 96.5(3)a. Although the work offered on February 12 was suitable, Mr. Dudley had good cause for refusing it. He did not have the required steel-toed boots and did not have the money to purchase them. It was unreasonable to expect him to purchase the

boots since there was no way of knowing how long the assignment would last. He might have made the expenditure only to find out the assignment was short-term. Moreover, he was not aware that Cambridge could purchase the boots for him and have the cost taken out of his paycheck. For the above reasons, the administrative law judge concludes that he had good cause for the refusal.

The employer contended that Mr. Dudley did not seek reassignment within three working days of when his assignment ended on February 9, 2007. However, the employer was in contact with him the first working day after his assignment ended. Furthermore, a disqualification is imposed if the temporary firm is not made aware of the end of an assignment. See Iowa Code section 96.5(1)j. In the case at hand, Cambridge was aware that the assignment was over because it was the one who notified Mr. Dudley that it was over. The law does not require an individual to contact the temporary firm within three working days of when work is refused.

DECISION:

The representative's decision dated March 8, 2007, reference 01, is hereby affirmed. Mr. Dudley had good cause for refusing the offer of suitable work on February 12, 2007. Benefits are allowed, provided he satisfies all other conditions of eligibility.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/pjs