

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

PRINCE J MARTIN  
1127 IOWA ST FL 1  
DUBUQUE IA 52001-4819

L A LEASING INC - SEDONA STAFFING  
612 VALLEY DR  
MOLINE IL 61265

Appeal Number: 06A-UI-02968-CT  
OC: 02/05/06 R: 04  
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, 4<sup>th</sup> 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.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5(3)a – Refusal of Work

STATEMENT OF THE CASE:

Prince Martin filed an appeal from a representative's decision dated March 7, 2006, reference 02, which denied benefits on a finding that he had refused an offer of suitable work from Sedona Staffing on November 3, 2005. After due notice was issued, a hearing was held by telephone on April 3, 2006. Mr. Martin participated personally. The employer participated by Carrie Cannon, Account Manager, and Colleen McGuinty, Unemployment Insurance Administrator.

#### 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. Martin began accepting assignments through Sedona Staffing on October 24, 2003. On November 9, 2005, he accepted an assignment with Tandem Tire to start on November 10. On the morning of November 10, he contacted Sedona Staffing to report that he could not go to the assignment because he did not have transportation. A friend was going to take him to work but had a blown tire. Sedona Staffing offered to provide him a ride, but he declined it.

The assignment at Tandem Tire was for five hours and paid \$7.00 per hour. Mr. Martin did not have a claim for job insurance benefits on file at the time. He filed his claim effective February 5, 2006.

#### REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether any disqualification should be imposed for Mr. Martin's refusal of work on November 10, 2005. An individual who refuses an offer of suitable work is disqualified from receiving job insurance benefits. Iowa Code section 96.5(3)a. However, a disqualification for refusing work may only be imposed if the individual had a valid claim for job insurance benefits on file at the time of the refusal. 871 IAC 24.24(8). Because Mr. Martin's claim was not filed until February of 2006, he cannot be disqualified based on a refusal of work that occurred in November of 2005. He did not have an old claim in effect at the time of the refusal.

For the reasons stated herein, the administrative law judge concludes that no disqualification is imposed as a result of Mr. Martin refusing work on November 10, 2005.

#### DECISION:

The representative's decision dated March 7, 2006, reference 02, is hereby reversed. No disqualification is imposed for Mr. Martin's November 10, 2005 refusal of work as he did not have a valid claim for job insurance benefits in effect at the time. Benefits are allowed, provided he satisfies all other conditions of eligibility.

cfc/tjc