

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

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VAN BOXTEL, DEBRA EBBEN, JOHN  
CALIFORNIA CLOSET CO/BEN-TEL LLC  
5625 CAREY AVE  
DAVENPORT IA 52807-2655

Appeal Number: 05A-UI-02442-MT  
OC: 06/27/04 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, 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 96.4-3 - Able and Available

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated March 2, 2005, reference 03, which held claimant not able and available for work. After due notice, a telephone conference hearing was scheduled for and held on March 28, 2005. Claimant participated personally. Employer participated by Deb Van Bortel, Owner.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant was offered suitable work during a period of temporary employment

effective February 5, 2005. Claimant refused the work because he did not get the call until after the work had started. By the time claimant found out about the job it was too late to accept.

#### REASONING AND CONCLUSIONS OF LAW:

The issue in this matter is whether claimant is able and available for work.

871 IAC 24.23(41) provides:

Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(41) The claimant became temporarily unemployed, but was not available for work with the employer that temporarily laid the claimant off. The evidence must establish that the claimant had a choice to work, and that the willingness to work would have led to actual employment in suitable work during the weeks the employer temporarily suspended operations.

This rule is intended to implement Public Law 96-499, Iowa Code sections 96.4(3), 96.5(1), 96.6(1), 96.19(38)"c" and 96.29.

Claimant was himself available for work during the week February 5, 2005. The offer of work was not suitable as it came in too late for claimant to accept or refuse. Benefits shall be allowed effective the week ending February 5, 2005.

#### DECISION:

The decision of the representative dated March 2, 2005, reference 03 is reversed. Claimant is eligible to receive unemployment insurance benefits, effective the week ending February 5, 2005.

mdm\kjf