

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**RODNEY RANDOL**  
Claimant

**APPEAL NO. 14A-UI-03250-BT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**AVENTURE STAFFING & PROFESSIONAL**  
Employer

**OC: 03/02/14  
Claimant: Appellant (4)**

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Iowa Code § 96.4-3 - Availability for Work  
Iowa Code § 96.5-3-a - Refusal of Suitable Work

**STATEMENT OF THE CASE:**

Rodney Randol (claimant) appealed an unemployment insurance decision dated March 25, 2014, (reference 01), which held that he was not eligible for unemployment insurance benefits because he refused an offer of suitable work with Aventure Staffing & Professional (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on April 16, 2014. The claimant participated in the hearing. The employer participated through Deb Miller, Human Resources Assistant.

**ISSUE:**

The issue is whether the claimant is able and available, and if so, whether he refused a suitable offer of work.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: Employee Service Representative Maribel Juarez offered the claimant work as a forklift driver on January 14, 2014. He was supposed to let the employer know the next day but failed to contact the employer so he effectively refused the offer. The claimant testified he is on medication that prohibits him from operating heavy duty machinery. The employer has no medical restrictions for the claimant. The employer also offered the claimant a short-term assignment on February 5, 2014, but he refused stating that he is only looking for full-time work.

The claimant is trying to get disability because he is not able to work. He testified that he is "not fit to work anymore." He has crushed vertebrae in his back and has Chronic Obstructive Pulmonary Disease (COPD).

**REASONING AND CONCLUSIONS OF LAW:**

The issue is whether the claimant refused a suitable offer of work. A claimant is not qualified for unemployment compensation benefits if he refused a suitable offer of work without good cause.

Before a disqualification for failure to accept work may be imposed, an individual must first satisfy the benefit eligibility conditions of being able to work and available for work. If the facts indicate the claimant was or is not available for work, and this resulted in the failure to accept work or apply for work, such claimant shall not be disqualified for refusal since the claimant is not available for work. See 871 IAC 24.24(4).

The claimant has the burden of proof in establishing his ability and availability for work. *Davoren v. Iowa Employment Security Commission*, 277 N.W.2d 602 (Iowa 1979). The claimant refused the offer of work because he is not medically able to work with heavy machinery. Although he testified he is able to do sit down work, he said he is applying for disability. When asked why he is applying for disability, the claimant testified he is not fit to work anymore. Consequently, the claimant is not disqualified for refusing an offer of work but is disqualified for his failure to meet the availability requirements of the law.

**DECISION:**

The unemployment insurance decision dated March 25, 2014, (reference 01), is modified in favor of the appellant. He is not disqualified due to a job refusal but because he is not able to work. Benefits are denied.

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Susan D. Ackerman  
Administrative Law Judge

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Decision Dated and Mailed

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