

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BRUCE G CRAWFORD

Claimant

APPEAL NO: 10A-UI-10266-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

DES STAFFING SERVICES INC

Employer

OC: 11/15/09

Claimant: Respondent (2/R)

Section 96.5-3-a – Refusal of Suitable Offer of Work

Section 96.4-3 – Able to and Available for Work

STATEMENT OF THE CASE:

The employer appealed a representative's July 15, 2010 decision (reference 03) that held the claimant qualified to receive benefits even though he refused the employer's June 2 offer of work. A telephone hearing was held on September 3, 2010. The claimant participated in the hearing. Stacey Navarro and Alisha Montelongo appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUES:

Did the claimant refuse an offer of suitable work with good cause?

Was the claimant able to and available for work on June 2 and 8, 2010?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of November 15, 2009. The claimant registered to work with the employer. After the claimant quit a long-term job assignment on May 26, 2010, the employer contacted him about another job on June 2.

The employer offered the claimant a job at an Osceola meat packing plant. The job was a long-term job that paid \$8.50 an hour for first shift work. The claimant has experience working at a meat packing facility. Initially, the claimant accepted the job until he learned the schedule was a 3-2-2 schedule which meant he would be required to work some weekends. After the claimant learned he would be working some weekends, he declined the job. The claimant had not worked weekends before and did not want to do weekend work.

On June 8, the employer contacted the claimant about another long-term job assignment that was to begin immediately. This job paid \$8.00 an hour for first shift work. Although the claimant thought he would enjoy this job, he had already made a commitment to help a friend prepare for a test. As a result of this commitment the claimant declined the job because he was not available to start immediately.

The claimant has filed for and received benefits since June 6, 2010.

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 section 96.5-3-a. Before a claimant can be disqualified for refusing an offer of suitable work, he must be able and to available for work. 871 IAC 24.24(4).

The employer's June 2 offer of work at Osceola was suitable. The claimant had previous work experience and had accepted the job until he learned there were some weekends he would be required to work. Even though the claimant had not previously worked weekends, he has been unemployed since mid-November 2009. The claimant did not establish good cause for declining to work weekends. He refused the June 2 offer of work without good cause.

While the claimant's reason for refusing the June 8 offer of work was because of a personal commitment, his unavailability for a couple of hours does not disqualify him from receiving benefits. Also, the claimant is already disqualified from receiving benefits for voluntarily quitting a long-term assignment for reasons that do not qualify him to receive benefits (decision for appeal 10A-UI-12360-DWT) and for refusing the June 2 offer of suitable work.

Since an issue of overpayment or whether the claimant is eligible for a waiver of any overpayment was remanded to the Claims Section to determine for appeal 10A-UI-012360-DWT, another remand is not necessary.

DECISION:

The representative's July 15, 2010 decision (reference 03) is reversed. The claimant refused the employer's June 2, 2010 offer of suitable work without good cause. As of June 6, the claimant is not qualified to receive benefits based on this refusal. Based on the decision for appeal 10A-UI-12360-DWT, the claimant is disqualified from receiving benefits as of May 23, 2010, and the employer's account is not subject to charge.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs