

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DWAYNE F WILLIAMS
Claimant

APPEAL NO. 08A-UI-01072-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ADVANCE SERVICES INC
Employer

OC: 12/09/07 R: 03
Claimant: Respondent (1)

Section 96.5(3)a – Refusal of Work

STATEMENT OF THE CASE:

Advance Services, Inc. filed an appeal from a representative's decision dated January 16, 2008, reference 03, which held that no disqualification would be imposed regarding Dwayne Williams' November 24, 2007 refusal of work. After due notice was issued, a hearing was held by telephone on February 14, 2008. Mr. Williams participated personally. The employer participated by Tamara Dostart, Branch Manager.

ISSUE:

At issue in this matter is whether Mr. Williams refused an offer of suitable work without good cause.

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. Williams has been employed through Advance Services, Inc., a temporary placement firm, since September 27, 2006. At approximately 8:09 p.m. on December 4, 2007, he was contacted by phone and offered a two-day assignment with Red Star. The assignment was to start at 6:00 a.m. the following day. Mr. Williams attempted to find child care but was unable to do so on short notice. Therefore, he declined the assignment. He would have worked approximately 11.5 hours at \$12.00 per hour.

Mr. Williams filed a claim for job insurance benefits effective December 9, 2007. The employer protested his claim on the basis that he had refused an offer of suitable work.

REASONING AND CONCLUSIONS OF LAW:

The only issue before the administrative law judge is whether Mr. Williams refused an offer of suitable work within the meaning of Iowa Code section 96.5(3)a. The employer did not protest his claim on the basis that he had voluntarily quit employment by not completing an assignment. The work at issue was offered to Mr. Williams on December 4, 2007. However, he did not file a claim for job insurance benefits until the week of December 9, 2007. Workforce Development

does not have jurisdiction to disqualify an individual for refusing work prior to the effective date of the claim for benefits. See 871 IAC 24.24(8).

The administrative law judge need not determine if the work offered on December 4, 2007 was suitable work within the meaning of the law. Even assuming the work offered was suitable, the offer and refusal of December 4 cannot form the basis of a disqualification because it was prior to when Mr. Williams filed his claim for benefits. For the reasons cited herein, no disqualification is imposed.

DECISION:

The representative's decision dated January 16, 2008, reference 03, is hereby affirmed. No disqualification is imposed for Mr. Williams' December 4, 2007 refusal of work as he did not have a valid claim for benefits on file at the time of the refusal. Benefits are allowed, provided he satisfies all other conditions of eligibility.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/pjs