

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ANTHONY L HUNTER
Claimant

APPEAL NO. 08A-UI-01670-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

DOBBS TEMPORARY SERVICES INC
Employer

OC: 02/11/07 R: 02
Claimant: Appellant (4)

Section 96.4(3) – Able and Available

STATEMENT OF THE CASE:

Anthony Hunter filed an appeal from a representative's decision dated February 14, 2008, reference 05, which denied benefits based on his separation from Dobbs Temporary Services, Inc. (Dobbs). After due notice was issued, a hearing was held by telephone on March 4, 2008. Mr. Hunter participated personally. The employer participated by Sandy Blomquist, Talent Manager.

ISSUE:

At issue in this matter is whether Mr. Hunter was separated from employment for any disqualifying reason. There is also an issue concerning his availability for work.

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. Hunter began working through Dobbs, a temporary placement firm, on April 10, 2007. His last assignment was with Ryko Manufacturing, where he worked from July 23 until December 27, 2007. He completed the assignment when there was no further work available for him.

On December 28, 2007, Mr. Hunter accepted an assignment with United Information Services (UIS), which was to start on January 2, 2008. He could have worked either the 4:30 p.m.-to-1:00 a.m. shift or the 7:00 a.m.-to-4:30 p.m. shift. The assignment was for approximately seven days. Mr. Hunter's family has only one vehicle and the shifts offered at UIS conflicted with the hours his girlfriend works. Therefore, she would have been unable to take him to work or pick him up, depending on the hours he worked. For this reason, he notified Dobbs on December 31 that he was declining the assignment due to lack of transportation. Mr. Hunter prefers a third-shift position with overnight hours or a position where he could start at approximately 6:00 a.m. and work until 5:00 or 6:00 p.m.

REASONING AND CONCLUSIONS OF LAW:

It is undisputed that Mr. Hunter completed his assignment with Ryko Manufacturing, as he worked until work was no longer available. Therefore, his separation from the assignment was for no disqualifying reason. Mr. Hunter was subsequently offered a temporary assignment with UIS, which he initially accepted and later declined. Because he did not actually start the assignment, the administrative law judge considers the matter presented as a work refusal issue rather than a separation issue. An individual who refuses an offer of suitable work is disqualified from receiving job insurance benefits. Iowa Code section 96.5(3)a. However, before a disqualification is imposed for refusing work, the evidence must establish that he individual was available for work within the meaning of the law. 871 IAC 24.24(4).

Mr. Hunter declined work with UIS because he did not have transportation that would have allowed him to work either of two shifts. The two shifts offered covered the hours from 7:00 a.m. until 1:00 a.m. the following day. Mr. Hunter's lack of transportation substantially reduced his availability to accept work. See 871 IAC 24.23(4). Therefore, he is disqualified from receiving benefits for the duration of the assignment with UIS, a period of approximately seven work days. Benefits are denied from January 2 through January 10, 2008. Accordingly, Mr. Hunter is not eligible to receive benefits for the weeks ending January 5 and January 12, 2008.

DECISION:

The representative's decision dated February 14, 2008, reference 05, is hereby modified. Mr. Hunter is disqualified from receiving job insurance benefits for the two weeks ending January 12, 2008, as he was not available for work within the meaning of the law. Benefits are allowed effective January 13, 2008, provided he satisfies all other conditions of eligibility.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/kjw