

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

CHERYL A RAMLOW  
713 N MAIN #4  
BURLINGTON IA 52601

L & B STAFFING INC  
301 E ACCESS RD  
PO BOX 128  
COLUMBUS JUNCTION IA 52738

Appeal Number: 04A-UI-05465-CT  
OC: 04/18/04 R: 04  
Claimant: Respondent (1)

**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 96.5(3)a – Refusal of Work

STATEMENT OF THE CASE:

L & B Staffing, Inc. (L & B) filed an appeal from a representative's decision dated May 10, 2004, reference 01, which held that no disqualification would be imposed regarding Cheryl Ramlow's April 17, 2004 refusal of work. After due notice was issued, a hearing was held by telephone on June 7, 2004. Ms. Ramlow participated personally. The employer participated by Linda Watson, Owner, and Brenda Burton, Scheduling Specialist.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all the evidence in the record, the administrative law judge finds: Ms. Ramlow began working for L & B, a temporary

placement service, in May 2003. She accepted an assignment to work on April 17, 2004 from 5:00 p.m. until 9:00 p.m. in Lone Tree. On the afternoon of April 17, she accepted an additional assignment to work from 11:00 p.m. until 7:00 a.m. on April 18 in Kalona. Ms. Ramlow became confused and believed she was to work both assignments the same day and would travel from one to the other with a two-hour break between the locations. For this reason, she did not report to Lone Tree on April 17. Her failure to report for scheduled work did not result in her termination from L & B, as the employer continued to offer her work.

#### REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is what effect Ms. Ramlow's failure to work on April 17 has on her claim for job insurance benefits. Her failure to report did not result in a separation from the employment. Ms. Ramlow had accepted the work and then failed to report for the shift. The administrative law judge believes the failure to report for an assignment presents an issue of work refusal. An individual is disqualified from receiving job insurance benefits if she has refused an offer of suitable work without good cause. Iowa Code Section 96.5(3)a. However, a work-refusal disqualification may not be imposed unless the individual had a valid claim for job insurance benefits in effect at the time of the refusal. See 871 IAC 24.24(8).

Inasmuch as Ms. Ramlow's claim was not effective until April 18, 2004, no disqualification may be imposed for the April 17, 2004 refusal of work. Because she did not have a claim in effect, there would be no charges to the employer's account for the week ending April 17, 2004.

#### DECISION:

The representative's decision dated May 10, 2004, reference 01, is hereby affirmed. No disqualification is imposed for Ms. Ramlow's April 17, 2004 refusal of work as she did not have a valid claim in effect at the time of the refusal.

cfc/b