

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DAISEY L GIBSON**

Claimant

**APPEAL NO: 07A-UI-02394-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MANPOWER TEMPORARY SERVICES**

Employer

**OC: 01/07/07 R: 01  
Claimant: Respondent (1)**

Section 96.5-3-a – Offer of Work

**STATEMENT OF THE CASE:**

Manpower Temporary Services (employer) appealed a representative's February 26, 2007 decision (reference 04) that concluded Daisey L. Gibson (claimant) was qualified to receive unemployment insurance benefits even though she declined the employer's September 20, 2006 offer of work. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on April 9, 2007. The claimant participated in the hearing. Todd Aschenfelter, a staffing specialist, 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 employer offer the claimant a job during a time the claimant had a valid unemployment insurance claim?

Is the claimant disqualified from receiving benefits based on the employer's September 20, 2006 offer of work?

**FINDINGS OF FACT:**

After the claimant was released from a job assignment at Eaton on September 12, 2006, the employer contacted the claimant about another job on September 20, 2006. When the claimant worked at Eaton she earned \$11.00 an hour and worked the 3:00 p.m. to 11:00 p.m. shift. The claimant worked on the assembly line. The employer called the claimant on September 20. The person Aschenfelter talked to identified herself as the claimant. Aschenfelter then offered this person a job in Clarinda that was about 20 minutes from the claimant's home. The job paid \$9.33 to \$9.29 an hour. This job was also assembly work and the claimant could either work the night shift or the graveyard shift. The person Aschenfelter talked to declined this job offer. The claimant does not remember the employer talking to her about this job, because she would have accepted the job assignment.

The claimant attempted to establish a claim for unemployment insurance benefits during the week of September 10, 2006. She was not monetarily eligible for benefits so the claimant did

not establish a valid unemployment insurance benefit claim. The claimant later established a claim for benefits during the week of January 7, 2007. With the claim she established in January 2007, the claimant had enough wage credits to establish a valid claim.

**REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if she refuses an offer of suitable work without good cause. Iowa Code section 96.5-3-a. Before a claimant can be disqualified under Iowa Code section 96.5-3-a, both the offer of work and the refusal must occur within a claimant's benefit year. 871 IAC 24.24(8). The evidence reveals the claimant did not have a valid benefit year established as of September 20, 2006. As a result, the claimant cannot be disqualified for declining an offer work on September 20, 2006. A claimant must have established a benefit year because one of the requirements for the job offer to be suitable is that the wage offered must be at certain levels of the claimant's average weekly wage based on the highest quarter of wages she earned in her base period. Without a valid unemployment insurance claim, there is no way to decide if the offer of work was suitable based on the wage requirements of Iowa Code section 96.5-3-a.

**DECISION:**

The representative's February 26, 2007 decision (reference 04) is affirmed. Since the claimant did not have a valid benefit year established as of September 20, 2006, she cannot be disqualified from receiving benefits based on the employer's September 20, 2006 offer of work. Therefore, the claimant is not disqualified from receiving benefits as of January 7, 2007.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/pjs