

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LYLE R EARL
Claimant

APPEAL NO. 07A-UI-04964-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MANPOWER TEMPORARY SERVICES
Employer

OC: 04/08/07 R: 01
Claimant: Respondent (1)

Section 96.5(3)a – Refusal of Work

STATEMENT OF THE CASE:

Manpower Temporary Services filed an appeal from a representative's decision dated May 4, 2007, reference 02, which held that no disqualification would be imposed regarding Lyle Earl's April 5, 2007 refusal of work. After due notice was issued, a hearing was held by telephone on June 4, 2007. Mr. Earl participated personally. The employer participated by Todd Ashenfelter, Staffing Specialist.

ISSUE:

At issue in this matter is whether Mr. Earl should be disqualified from benefits based on a refusal of 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. Earl began working for Manpower, a temporary placement firm, on August 1, 2005. He completed his last assignment on April 5, 2007. On that same date, he was offered a new assignment with NSK. It was a full-time, long-term assignment and paid \$9.39 per hour. Mr. Earl declined the work because of the wages. He filed a claim for job insurance benefits effective April 8, 2007.

REASONING AND CONCLUSIONS OF LAW:

An individual who refuses an offer of suitable work without good cause is disqualified from receiving job insurance benefits. Iowa Code section 96.5(3)a. However, Workforce Development has no jurisdiction over work refusals that occur prior to the filing of a claim for job insurance benefits. 871 IAC 24.24(8). Mr. Earl's claim for benefits was filed effective April 8, 2007. Since the work refusal occurred on April 5, prior to the filing of his claim, his refusal cannot form the basis of a disqualification from benefits.

DECISION:

The representative's decision dated May 4, 2007, reference 02, is hereby affirmed. No disqualification is imposed regarding Mr. Earl's April 5, 2007 refusal of work as he did not have a valid claim for job insurance benefits in effect 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