

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

SANDRA L FRENCH
2832 OAK MEADOW CT
DUBUQUE IA 52003

WOODWARD COMMUNICATIONS INC
ATTN STEVE LARSON – CONTROLLER
PO BOX 688
DUBUQUE IA 52004-0688

Appeal Number: 05A-UI-05847-CT
OC: 01/30/05 R: 04
Claimant: Appellant (2)

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, 4th 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.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5(3)a – Refusal of Work

STATEMENT OF THE CASE:

Sandra French filed an appeal from a representative's decision dated May 25, 2005, reference 06, which denied benefits on a finding that she refused a referral to suitable work. After due notice was issued, a hearing was held by telephone on June 20, 2005. Ms. French participated personally. Woodward Communications, Inc. opted not to participate in the hearing.

FINDINGS OF FACT:

Having heard the testimony of the witness and having reviewed all the evidence in the record, the administrative law judge finds: On or about April 25, 2005, Workforce Development offered

Ms. French a referral to an opening with Woodward Communications, Inc. The job was to work 40 hours each week as a receptionist for \$8.00 per hour. She declined the referral because the work was located in Platteville, Wisconsin, approximately 45 miles from her home. All of Ms. French's base period wage credits were earned in employment in Dubuque, Iowa.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether any disqualification should be imposed for Ms. French's refusal of the job referral to Woodward Communications, Inc. An individual who refuses an offer of or referral to suitable work without good cause is disqualified from receiving job insurance benefits. Iowa Code section 96.5(3)a. Where the work offered is not in the locality where the individual lives, she has good cause for refusing it. See 871 IAC 24.24(7). The referral offered to Ms. French was for work located 45 miles from where she lives. Given the distance from her home, the administrative law judge concludes that the referral was not to suitable work. Inasmuch as Ms. French had always worked in Dubuque, she had good cause for refusing the referral to work out of town. For the reasons stated herein, the administrative law judge concludes that no disqualification is imposed.

DECISION:

The representative's decision dated May 25, 2005, reference 06, is hereby reversed. Ms. French did not refuse a referral to suitable work within the meaning of the law. Benefits are allowed, provided she satisfies all other conditions of eligibility.

cfc/sc