

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LADONNA A POGGENPOHL

Claimant

APPEAL NO. 08A-UI-06126-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

L A LEASING INC – SEDONA STAFFING

Employer

**OC: 05/18/08 R: 03
Claimant: Respondent (1)**

Section 96.5(3)a – Refusal of Work

Section 96.4(3) – Able and Available

STATEMENT OF THE CASE:

Sedona Staffing filed an appeal from a representative's decision dated June 27, 2008, reference 04, which held that no disqualification would be imposed regarding Ladonna Poggenpohl's June 4, 2008 refusal of work. After due notice was issued, a hearing was held by telephone on July 17, 2008. Ms. Poggenpohl participated personally. The employer participated by Colleen McGuinty, Unemployment Benefits Administrator, and Ashley Lundgren, Account Manager.

ISSUE:

At issue in this matter is whether Ms. Poggenpohl refused an offer of suitable work and, if so, whether she had good cause for doing so.

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: Ms. Poggenpohl worked through Sedona Staffing from November 13 through November 17, 2007. On June 4, 2008, she was contacted by telephone and offered an assignment with Vangent to start on June 23. The assignment was for 40 or more hours per week and paid \$9.29 per hour. The hours were to be from 8:30 a.m. until 5:00 p.m. Ms. Poggenpohl accepted the offer on June 4.

On or about June 5, Ms. Poggenpohl was told that the assignment with Vangent would be during day hours only while she was in training the initial two weeks. After training, she would be required to work one of four shifts that began at 10:30, 11:00, 11:30 a.m. or 12:30 p.m. The shifts would end at 7:00, 7:30, 8:00 or 9:00 p.m., respectively. Ms. Poggenpohl then declined the assignment because she did not have child care available after 5:30 p.m.

REASONING AND CONCLUSIONS OF LAW:

An individual who refuses an offer of suitable work is disqualified from receiving job insurance benefits unless the refusal was for good cause. Iowa Code section 96.5(3)a. The lack of child

care is considered good cause for refusing work. See 871 IAC 24.24(4). The issue then becomes whether the lack of child care renders the individual unavailable for work within the meaning of Iowa Code section 96.4(3).

Ms. Poggenpohl only has child care available during day hours and is not available to work after 5:30 p.m. The administrative law judge believes there are a significant number of jobs she could perform during a day shift. Therefore, the fact that she is not available to work evenings and nights does not render Ms. Poggenpohl unavailable for work.

After considering all of the evidence, the administrative law judge concludes that Ms. Poggenpohl had good cause for refusing the work offered on June 4, 2008. The fact that she is only available to work a day shift does not interrupt her availability for work. For the reasons cited herein, benefits are allowed.

DECISION:

The representative's decision dated June 27, 2008, reference 04, is hereby affirmed. Ms. Poggenpohl had good cause for refusing work offered on June 4, 2008. Benefits are allowed, provided she satisfies all other conditions of eligibility.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/kjw