

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

WADE HAMIL
Claimant

APPEAL NO. 08A-UI-04193-A

**ADMINISTRATIVE LAW JUDGE
DECISION**

BURKE ENGINEERING SALES CO
Employer

OC: 12/16/07 R: 01
Claimant: Appellant (2)

Section 96.5-3-a – Refusal of Suitable Work

STATEMENT OF THE CASE:

Wade Hamil filed a timely appeal from an unemployment insurance decision dated April 23, 2008, reference 01, that disqualified him for benefits upon a finding that he had refused to accept suitable work with Burke Engineering Sales Company. After due notice was issued, a hearing was held in Sioux City, Iowa on September 10, 2008 with Mr. Hamil participating, accompanied by his wife, June Hamil. Vice-President and General Manager G. R. Gardner participated for Burke Engineering Sales Company.

ISSUE:

Did the claimant refuse a suitable offer of work?

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: On or about March 17, 2008, Wade Hamil interviewed with Burke Engineering Sales Company for a position of delivery driver. The company did not offer work to Mr. Hamil because Mr. Hamil indicated that he would not be able to meet the requirement of being able to lift 100 pounds.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the claimant refused a suitable offer of work. Iowa Code section 96.5-3-a disqualifies an individual for benefits if the individual has refused a suitable offer of work. The evidence in this record establishes that no offer of work was made. Negotiations were discontinued because Mr. Hamil stated that he would not be able to meet the requirement of being able to lift 100 pounds. No disqualification shall be imposed.

DECISION:

The unemployment insurance decision dated April 23, 2008, reference 01, is reversed. The claimant is entitled to receive unemployment insurance benefits, provided he is otherwise eligible.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs