

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

**TIESHA J LOGAN**  
Claimant

**APPEAL NO. 17A-UI-11072-S1-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**L A LEASING INC**  
Employer

**OC: 08/13/17**  
**Claimant: Respondent (1)**

Section 96.5-3-a – Refusal to Accept Suitable Work

**STATEMENT OF THE CASE:**

L A Leasing (employer) appealed a representative's October 20, 2017, decision (reference 02) that concluded Tiesha Logan (claimant) was eligible to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for November 16, 2017. The claimant did not provide a telephone number for the hearing and, therefore, did not participate. The employer participated by Colleen McGuinty, Unemployment Administrator, and Kimberly Woehilk, Account Manager. Exhibit D-1 was received into evidence.

**ISSUE:**

The issue is whether the claimant refused suitable work.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The employer is a temporary employment service. The claimant performed services from August 24, 2007, through the present. She signed a document on August 22, 2016, indicating she was to contact the employer within three days following the completion of an assignment to request placement in a new assignment. The claimant was given a copy of the document which was separate from the contract for hire. The claimant completed an assignment on September 28, 2017, but did not seek reassignment from the employer until October 6, 2017.

The claimant usually worked as a banquet server and the assignments were for one or two days. The employer often called the claimant at the beginning of the week for banquet server work. On October 6, 2017, the employer offered the claimant a one-day job scheduled for October 7, 2017. The claimant refused the assignment because she was out of town on October 7, 2017. Since September 28, 2017, the claimant has worked one-day assignments on October 19, 20, 21, 26, 28, November 1, and 4, 2017. She is scheduled to work again on November 17, 2017. Multi-day assignments were available to the claimant had she sought work.

**REASONING AND CONCLUSIONS OF LAW:**

The issue is whether the claimant refused suitable work.

Iowa Admin. Code r. 871-24.24(4) provides:

(4) Work refused when the claimant fails to meet the benefit eligibility conditions of Iowa Code section 96.4(3). Before a disqualification for failure to accept work may be imposed, an individual must first satisfy the benefit eligibility conditions of being able to work and available for work and not unemployed for failing to bump a fellow employee with less seniority. If the facts indicate that the claimant was or is not available for work, and this resulted in the failure to accept work or apply for work, such claimant shall not be disqualified for refusal since the claimant is not available for work. In such a case it is the availability of the claimant that is to be tested. Lack of transportation, illness or health conditions, illness in family, and child care problems are generally considered to be good cause for refusing work or refusing to apply for work. However, the claimant's availability would be the issue to be determined in these types of cases.

If a claimant has a good cause, she may refuse work. In this case, the claimant was scheduled to be out of town on that one day. She was available for the rest of the week. The claimant had good cause to refuse work but was able and available for work the remainder of the week. Benefits are allowed, provided claimant is otherwise eligible.

**DECISION:**

The representative's October 20, 2017, decision (reference 02) is affirmed. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

bas/rvs