

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

WILLIAM E MC CARTHY
Claimant

APPEAL NO: 11A-UI-10799-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ADVANCE SERVICES INC
Employer

OC: 01/09/11
Claimant: Appellant (2)

Iowa Code § 96.5(3)a – Refusal of Suitable Work with Good Cause

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's August 10, 2011 determination (reference 03) that disqualified him from receiving benefits and held the employer's exempt from charge because he refused the employer's offer of suitable work. The claimant participated in the hearing. Lauren Prentis appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant refused the employer's offer of work with good cause and is not disqualified from receiving benefits.

ISSUE:

Should the claimant be disqualified from receiving benefits because he refused the employer's offer of work?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of January 9, 2011. He reopened this claim during the week of July 3, 2011, after he was laid off from a job assignment the employer had placed him at.

After he reopened his claim, he looked for work and during the week of July 3 applied on-line for a job. He interviewed for this job July 14. He accepted this employer's offer of work as a full-time employee on July 15. After he accepted this job, the employer contacted him about a temporary job assignment. The employer's job would start July 18, the same day as the claimant's new job. The employer's job paid \$10.28 an hour, but the other employer paid \$12 an hour. The claimant declined the employer's job offer because he had accepted a full-time job with another employer. As of the date of the hearing, the claimant continues to work at the job he started on July 18.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he refuses an offer for suitable work without good cause. Iowa Code § 96.5(3)a. The evidence establishes the claimant had good cause to refuse the employer's offer of work because he had just accepted a

full-time job with another employer that was to start the same day as the employer's temporary assignment. The claimant's job paid higher wages than the employer's job paid. As of July 15, 2011, the claimant remains qualified to receive benefits.

DECISION:

The representative's August 10, 2011 determination (reference 03) is reversed. The claimant refused the employer's offer of suitable work with good cause. As of July 15, 2011, he remains qualified to receive benefits, provided he meets all other eligibility requirements.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs