

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TRAVIS G MARTIN

Claimant

APPEAL NO. 09A-UI-01525-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**AVENTURE STAFFING
& PROFESSIONAL SERVICES LLC**

Employer

**OC: 12/21/08 R: 01
Claimant: Respondent (1)**

Section 96.5-3-a – Work Refusal

STATEMENT OF THE CASE:

Aventure Staffing filed an appeal from a representative's decision dated January 22, 2009, reference 01, which held the claimant eligible for unemployment insurance benefits. After due notice was issued, a telephone conference hearing was scheduled for and held on February 19, 2009. Although duly notified, the claimant failed to respond to the hearing notice and did not participate. The employer participated by Robert Hardy, human resource assistant.

ISSUE:

At issue in this matter is whether the claimant refused an offer of suitable work.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and having considered all the evidence in the record, finds: The claimant is employed by Aventure Staffing and assigned to work at Rosenbaum Machine & Tool Company. Mr. Martin began his assignment on August 25, 2008, and continued to be employed at that client location at the time of hearing. The claimant works as a production worker at the rate of \$12.25 per hour. Mr. Martin was temporarily laid off from his work through Aventure Staffing from December 26, 2008, until January 5, 2009, because Rosenbaum Machine & Tool annually closes down during the holiday period. On December 29, Aventure Staffing offered Mr. Martin a temporary position with Dr. Pepper/Snapple Company for the duration of his temporary layoff at Rosenbaum Machine and Tool. The temporary assignment with Dr. Pepper/Snapple paid \$10.00 per hour. Mr. Martin declined the offer and returned to his work assignment at Rosenbaum Machine & Tool on January 5, 2009, as soon as work was again available at that location.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence in the record establishes that Mr. Martin refused an offer of suitable work without good cause. It does not.

The evidence in the record establishes that the employer offered Mr. Martin a short-term temporary assignment on December 29, 2008, for the remainder of his temporary layoff from his normal job assignment at Rosenbaum Machine & Tool. Mr. Martin declined the offer of short-term work and returned to his normal job assignment at Rosenbaum Tool on January 5, 2009, as soon as work was again available.

The evidence in the record establishes that the offer was made during the first five weeks of a new or additional unemployment claim and that the amount of pay offered at the short-term temporary assignment was not within one hundred percent of Mr. Martin's average weekly wage for insured work during the quarter of his base period in which his wages were the highest. The claimant therefore had good cause to refuse the offer.

DECISION:

The representative's decision dated January 22, 2009, reference 01, is affirmed as modified. The claimant refused with good cause, as the work offer was not suitable.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

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