

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

SARAH J BURROUGHS
16 – 4TH AVE SE
WAUKON IA 52172 2018

LA LEASING INC
SEDONA STAFFING
612 VALLEY DR
MOLINE IL 61265

Appeal Number: 06A-UI-05097-DWT
OC: 03/19/06 R: 04
Claimant: Appellant (2)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-3-a – Refusal of Suitable Offer of Work

STATEMENT OF THE CASE:

Sarah J. Burroughs (claimant) appealed a representative's May 3, 2006 decision (reference 02) that concluded she was not qualified to receive unemployment insurance benefits because the claimant declined the employer's March 20, 2006 offer of work. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on May 30, 2006. The claimant participated in the hearing. Colleen McGuinty, the unemployment insurance benefits administrator, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Is the claimant disqualified from receiving benefits for refusing an offer of work?

FINDINGS OF FACT:

On March 13, 2006, the claimant finished a job assignment the employer had assigned to her. When the claimant informed the employer she had completed the assignment, she asked the employer for another assignment. The employer did not have another assignment that day.

The claimant established a claim for unemployment insurance benefits during the week of March 19, 2006. This week the claimant went to her sister's home in Cedar Rapids to look for work. The claimant's lease in Peosta had recently expired, so the claimant was looking for another residence and thought about moving to the Cedar Rapids area.

On March 20, 2006, the employer called the claimant around 10:00 a.m. and left a message that the employer had a job for her to start the next day in Monticello. The claimant was looking for another job when the employer called. The claimant was unable to return the employer's call until after 4:00 p.m. that same day. By the time the claimant returned the call, the employer had already found another person who accepted the job assignment. The employer did not offer the claimant another job at that time.

The claimant moved to the Cedar Rapids area and registered to work for the Cedar Rapids Sedona office.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she declines an offer of suitable work without good cause. Iowa Code § 96.5-3-a. In deciding whether a claimant failed to accept suitable work, a bona fide offer of work has to be made to a claimant by personal contact or for purpose of a recall to work a registered letter is deemed to constitute a personal contact. 871 IAC 24.24(1)(a). The facts establish the employer did not personally contact the claimant until another person accepted the Monticello office job that started the next day. Leaving a message on an answering machine does not constitute a personal contact. As a result, the claimant cannot refuse a job that has not been offered to her. This means as of March 19, 2006, the claimant is not disqualified from receiving unemployment insurance benefits for refusing an offer of work.

Society today is mobile. The claimant had a right to leave the Dubuque area and move to another area. As a result of this move, jobs the employer may have offered the claimant in the future would be too far for her to drive. As long as the claimant meets the eligibility requirements and is able to and available for work, a claimant is not penalized for moving to a new location after she has completed a job assignment.

DECISION:

The representative's May 3, 2006 decision (reference 02) is reversed. The employer did not make a personal offer of work to the claimant. By the time the employer and claimant talked about a job, another person had already accepted the work assignment. Therefore, as of March 19, 2006, the claimant is qualified to receive unemployment insurance benefits, provided she meets all other eligibility requirements.

dlw/kjw