

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**STARLA K WACHELDORF**  
Claimant

**APPEAL NO. 09A-UI-10341-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**SPHERION ATLANTIC ENTERPRISES LLC**  
Employer

**Original Claim: 05/31/09  
Claimant: Respondent (1)**

Section 96.5-1-j – Separation from Temporary Employer  
Section 96.5-3-a – Failure to Accept Suitable Work

**STATEMENT OF THE CASE:**

The employer appealed an unemployment insurance decision dated July 8, 2009, reference 03, that concluded the claimant completed her temporary work assignment. A telephone hearing was held on August 5, 2009. The parties were properly notified about the hearing. The claimant participated in the hearing with witnesses Dawn Anderson and Amber Holmes. Misty Evans participated in the hearing on behalf of the employer. The claimant and the employer agreed that the issue of whether the claimant failed to accept an offer of suitable work without good cause could be considered and decided.

**ISSUE:**

Is the claimant disqualified for not contacting the employer after completing her work assignment?

Did the claimant fail to accept an offer of suitable work without good cause?

**FINDINGS OF FACT:**

The employer is a staffing service that provides workers to client businesses on a temporary or indefinite basis. The claimant worked on an assignment at Land O' Lakes in Vincent, Iowa, from January 8, 2008, to May 15, 2009. Before starting the assignment, she was living in Sioux City. She took the job because she could stay with a friend who worked at Land O' Lakes and ride back and forth to work with her.

The claimant completed the work assignment but did not contact the employer because she only intended to work for the employer until the Land O' Lakes assignment was finished. She moved back to Sioux City. The employer does not have a policy that employees must contact the employer within three working days after the completion of a work assignment and seek a new assignment.

On June 9, 2009, the employer offered the claimant a clerical assignment in Fort Dodge, Iowa, working for Americold Industries. The assignment was a full-time, temporary position at a rate of pay of \$9.00 per hour, which is comparable to the going rate of pay for similar positions.

The claimant declined the job because she was living in Sioux City at the time, about two hours away from Fort Dodge, and did not have transportation to the job.

#### **REASONING AND CONCLUSIONS OF LAW:**

Iowa Code § 96.5-1-j provides that individuals employed by a temporary agency must contact their employer within three working days after the completion of a work assignment and seek a new assignment or they will be considered to have voluntarily quit employment without good cause attributable to the employer, provided that the employer has given them a statement to read and sign that advises them of these requirements.

The claimant is not subject to disqualification under Iowa Code § 96.5-1-j, because the employer does not have a policy that employees must contact the employer within three working days after the completion of a work assignment and seek a new assignment.

The issue in this case is whether the claimant is subject to disqualification for failing to accept an offer of suitable work without good cause.

Iowa Code § 96.5-3-a provides:

An individual shall be disqualified for benefits:

3. Failure to accept work. If the department finds that an individual has failed, without good cause, either to apply for available, suitable work when directed by the department or to accept suitable work when offered that individual...

a. In determining whether or not any work is suitable for an individual, the department shall consider the degree of risk involved to the individual's health, safety, and morals, the individual's physical fitness, prior training, length of unemployment, and prospects for securing local work in the individual's customary occupation, the distance of the available work from the individual's residence, and any other factor which the department finds bears a reasonable relation to the purposes of this paragraph. Work is suitable if the work meets all the other criteria of this paragraph and if the gross weekly wages for the work equal or exceed the following percentages of the individual's average weekly wage for insured work paid to the individual during that quarter of the individual's base period in which the individual's wages were highest:

(1) One hundred percent, if the work is offered during the first five weeks of unemployment.

(2) Seventy-five percent, if the work is offered during the sixth through the twelfth week of unemployment.

(3) Seventy percent, if the work is offered during the thirteenth through the eighteenth week of unemployment.

(4) Sixty-five percent, if the work is offered after the eighteenth week of unemployment.

The claimant is not subject to disqualification, because the work offered to the claimant was too far from her residence for her to reasonably commute to work.

**DECISION:**

The unemployment insurance decision dated July 8, 2009, reference 03, is affirmed. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/kjw