

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JERRY R MOSIMAN
Claimant

APPEAL NO: 06A-UI-10915-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

KELLY SERVICES INC
Employer

OC: 07/09/06 R: 02
Claimant: Appellant (2)

871 IAC 24.24(10) – Suitable Work

STATEMENT OF THE CASE:

Jerry Mosiman (claimant) appealed a representative's November 6, 2006 decision (reference 03) that concluded he was not eligible to receive unemployment insurance benefits because he refused suitable work with Kelly Services (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on November 29, 2006. The claimant participated personally. The employer participated by Lisa Havig, Staffing Supervisor.

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 claimant was hired on December 4, 2005, as a part-time temporary laborer. The claimant and his mother were both laid off from work at Kraft Foods on or about October 2, 2006. The claimant does not drive but his mother drove the claimant the two miles to and from work.

On October 9, 2006, the employer offered the claimant a job working 35 miles away in Osage, Iowa. The claimant refused the offer because he could not drive himself 70 miles round trip.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant did not refuse an offer of suitable work.

Without a prior specific agreement between the employer and employee the employee's refusal to follow the employer to a distant new job site shall not be reason for a refusal disqualification. 871 IAC 24.24 (10).

The work offered was 35 miles away from his home town. The work offered to the claimant was not suitable work because of the distance to the job. The claimant is not disqualified from receiving unemployment insurance benefits.

DECISION:

The representative's November 6, 2006 decision (reference 03) is reversed. The claimant is not disqualified from receiving unemployment insurance benefits.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/pjs