

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**LORI A WEAVER**  
Claimant

**APPEAL NO. 08A-UI-08879-CT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CAMBRIDGE TEMPOSITIONS INC**  
Employer

**OC: 07/13/08 R: 03**  
**Claimant: Appellant (1)**

Section 96.5(3)a – Refusal of Work

**STATEMENT OF THE CASE:**

Lori Weaver filed an appeal from a representative's decision dated October 1, 2008, reference 07, which denied benefits based on her separation from Cambridge Tempositions, Inc. (Cambridge). After due notice was issued, a hearing was held by telephone on October 20, 2008. Ms. Weaver participated personally. The employer participated by Stephanie Matteson, Account Manager.

**ISSUE:**

At issue in this matter is whether Ms. Weaver refused an offer of suitable work from Cambridge without good cause.

**FINDINGS OF FACT:**

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Weaver began working through Cambridge, a temporary placement service, on October 3, 2007. She last performed services on December 14, 2007. On July 22 and again on July 31, 2008, she was contacted by telephone and offered work with Worley, a packaging company. The assignment was for an indefinite period of time. It was for 40 hours each week and paid \$8.00 per hour. Ms. Weaver declined the assignment and told Cambridge that she was working full time elsewhere.

Ms. Weaver filed a claim for job insurance benefits effective July 13, 2008. The average weekly wage paid to her during that quarter of her base period in which her wages were highest was \$296.87. She did not report any wages for the weeks ending July 19, July 26, August 2, and August 9, 2008.

**REASONING AND CONCLUSIONS OF LAW:**

An individual who refuses an offer of suitable work without good cause is disqualified from receiving job insurance benefits. Iowa Code section 96.5(3)a. The work in question was offered during the first five weeks of Ms. Weaver's unemployment. As such, it had to pay at least \$296.87 per week in order to be considered suitable work. The work offered at Worley

paid \$320.00 per week (40 hours x \$8.00/hour). Ms. Weaver did not indicate that she did not have the skills or that she was unable to meet the physical demands of the work that was offered. For the reasons cited above, it is concluded that the work offered on July 31 was suitable work within the meaning of the law.

The fact that an individual is employed elsewhere at the time the work is offered is usually good cause for declining the work. See 871 IAC 24.24(7). Ms. Weaver contended that she declined the work offered on July 31 because she was working full time elsewhere. However, she was unable to provide the dates on which she worked for a different employer. Moreover, records of Workforce Development indicate that she did not report any earnings from employment during the period from July 13 through August 9, 2008. Ms. Weaver failed to establish that she did, in fact, have work elsewhere when she declined the work through Cambridge on July 31, 2008.

Even if the administrative law judge were to find that Ms. Weaver was employed elsewhere at the time of the offer, she still would not be entitled to job insurance benefits. In order to receive benefits, an individual must be available for work. Iowa Code section 96.4(3); 871 IAC 24.24(4). If Ms. Weaver was working full time for someone other than Cambridge, she would not be considered available for work as she was no longer in the labor market. See 871 IAC 24.23(23).

After considering all of the evidence, the administrative law judge concludes that Ms. Weaver did not have good cause for declining the work offered by Cambridge on July 31, 2008. Accordingly, benefits are denied.

**DECISION:**

The representative's decision dated October 1, 2008, reference 07, is hereby affirmed. Ms. Weaver refused an offer of suitable work with Cambridge on July 31, 2008 for no good cause. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly job insurance benefit amount, provided she satisfies all other conditions of eligibility.

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Carolyn F. Coleman  
Administrative Law Judge

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Decision Dated and Mailed

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