

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

ARBREINA L YOUNG
PO BOX 1845
DES MOINES IA 50306

ADECCO USA INC
c/o TALK UC EXPRESS
PO BOX 66736
ST LOUIS MO 63166-6736

Appeal Number: 05A-UI-04118-CT
OC: 06/13/04 R: 02
Claimant: Appellant (1)

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 Work

STATEMENT OF THE CASE:

Arbreina Young filed an appeal from a representative's decision dated March 25, 2005, reference 06, which denied benefits on a finding that she refused work with Adecco USA, Inc. After due notice was issued, a hearing was held by telephone on May 10, 2005. The employer participated by Mary Gaffney, Office Supervisor, and was represented by David Williams of Talk UC Express. Ms. Young did not respond to the notice of hearing.

FINDINGS OF FACT:

Having heard the testimony of the witness and having reviewed all the evidence in the record, the administrative law judge finds: Ms. Young was last employed by Adecco on March 4, 2005.

On March 16, she was contacted by telephone and offered a three-day assignment with Top Priority on March 18, 19, and 20. Ms. Young declined the work, citing the pay and distance to the job site.

Ms. Young indicated on her application for employment that the lowest wage she would accept was \$7.00 per hour. She did not indicate any limitations as the geographic location she would work. She did not indicate that there were days of the week on which she could not work. The work offered on March 16 was just south of Jordan Creek Mall. The site was approximately two miles from other areas where Ms. Young had worked for Adecco. Ms. Young had never notified the employer that she was not available to work on Sundays.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether any disqualification should be imposed regarding Ms. Young's refusal of recall to Adecco on March 16, 2005. The job was within the geographic area where she had previously performed services. The pay was more than the minimum amount she indicated as acceptable on her application for employment. Ms. Young contended in her appeal that she declined the work because it involved working on Sunday. However, she did not give the employer this as a reason for turning the work down and had not notified the employer that she was not available to work on Sundays.

The administrative law judge concludes that Ms. Young refused recall to work with Adecco for no good cause. Accordingly, benefits are denied. See 871 IAC 24.24(2)b and 24.24(14).

DECISION:

The representative's decision dated March 25, 2005, reference 06, is hereby affirmed. Ms. Young declined recall to work with Adecco. 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.

cfc/sc