

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**SHERRI L CONNELL**

Claimant

**APPEAL NO. 07A-UI-02177-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MANPOWER TEMPORARY SERVICES**

Employer

**OC: 01/07/07 R: 01  
Claimant: Respondent (1-R)**

Section 96.5(3)a – Refusal of Work

**STATEMENT OF THE CASE:**

The employer, Manpower, filed an appeal from a decision dated February 19, 2007, reference 01. The decision allowed benefits to the claimant, Sherri Connell. After due notice was issued a hearing was held by telephone conference call on March 20, 2007. The claimant participated on her own behalf. The employer participated by Staffing Specialist Todd Ashenfelter.

**ISSUE:**

The issue is whether the claimant refused an offer of work.

**FINDINGS OF FACT:**

Sherri Connell was employed by Manpower beginning January 21, 2005. Her last assignment began on March 7, 2006, and ended around January 10, 2007. She was working at Eaton Corporation in Shenandoah, because she had made it a limitation on her job assignments that the jobs be in the same area.

A day or two after her assignment ended she was offered a position at Dana Corporation in Atlantic, Iowa, which is a one-hour drive away from the claimant's home. She declined the assignment because she would not be able to return from work in enough time to pick up her children from daycare.

The employer alleged another offer of work was made on or around January 17, 2007, which the claimant refused. That refusal has not been adjudicated.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.5-1 provides:

An individual shall be disqualified for benefits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

871 IAC 24.24(7) provides:

- (7) Gainfully employed outside of area where job is offered. Two reasons which generally would be good cause for not accepting an offer of work would be if the claimant were gainfully employed elsewhere or the claimant did not reside in the area where the job was offered.

The job offer which the claimant refused was a one-hour drive from her usual residence. Throughout the course of her employment she had limited herself to assignments in the Shenandoah, Iowa, area, and the employer was aware of this. A commute of an hour must be considered outside the claimant's usual job market and under the provisions of the above Administrative Code section, this is good cause for a refusal. Disqualification may not be imposed.

The issue of subsequent refusals of work should be remanded for determination.

**DECISION:**

The representative's decision of February 19, 2007, reference 01, is affirmed. Sherri Connell is qualified for benefits, provided she is otherwise eligible.

The issue of whether the claimant refused subsequent offers of work is remanded to the Claims Section for determination.

---

Bonny G. Hendricksmeier  
Administrative Law Judge

---

Decision Dated and Mailed

bgh/pjs