

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LYLE D GUSE

Claimant

APPEAL NO. 07A-UI-10950-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

USA STAFFING INC

Employer

**OC: 09/30/07 R: 02
Claimant: Respondent (1)**

Section 96.5-3-a - Failure to Accept Suitable Work

STATEMENT OF THE CASE:

The employer appealed an unemployment insurance decision dated November 27, 2007, reference 02, that concluded the claimant was not subject to disqualification for refusing work. A telephone hearing was held on November 27, 2007. The parties were properly notified about the hearing. The claimant participated in the hearing with a witness. Stacey Tinkham participated in the hearing on behalf of the employer with a witness, Cristin Adams.

ISSUE:

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. When the claimant was hired, he signed a statement that he would be considered to have voluntarily quit employment if he did not contact the employer within three working days after the completion of a job assignment and request a new assignment.

The claimant worked for the employer from December 5, 2005, to September 26, 2007. His last assignment was working as a banquet server on September 25 and 26. He completed the job assignment. The following day, the claimant reported to the employer's office to pick up his paycheck. He asked if there was work available and was told that the employer did not have anything at that time.

The claimant has not been offered any work by the employer since September 26, 2007. The claimant's wife also works for the employer. The employer has called for the claimant's wife to work but not for the claimant.

REASONING AND CONCLUSIONS OF LAW:

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 section 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....

The findings of fact show how I resolved the disputed factual issues in this case by carefully assessing the credibility of the witnesses and reliability of the evidence and by applying the proper standard and burden of proof. The employer alleged that the claimant refused a job offered on November 1, 2007, to work at the Wells Fargo Area as a laborer. I believe the claimant's testimony that he had not been offered employment after his last assignment on September 26.

DECISION:

The unemployment insurance decision dated November 27, 2007, reference 02, is affirmed. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/pjs