

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

DANIEL P WALLACE  
PO BOX 4669  
DAVENPORT IA 52808-4669

RUAN TRANSPORT CORPORATION  
c/o TALX EMPLOYER SERVICES  
PO BOX 1160  
COLUMBUS OH 43216-1160

Appeal Number: 06A-UI-05895-CT  
OC: 04/30/06 R: 04  
Claimant: Respondent (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, 4<sup>th</sup> 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.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.4(3) – Able and Available  
Section 96.5(3)a – Refusal of Work

STATEMENT OF THE CASE:

Ruan Transport Corporation (Ruan) filed an appeal from a representative's decision dated May 25, 2006, reference 01, which held that no disqualification would be imposed regarding Daniel Wallace's refusal of work. After due notice was issued, a hearing was held by telephone on June 26, 2006. The employer participated by Dan Oney, Terminal Manager. Mr. Wallace did not respond to the notice of hearing.

FINDINGS OF FACT:

Having heard the testimony of the witness and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Wallace has been employed by Ruan since July 13, 2005. He is currently employed as a casual laborer. He was offered work on the second shift for May 1 through May 5. Mr. Wallace declined the work because he is a single parent and is only available to work day hours. He declined one day of work on the day shift for May 6. He was then offered work on the second shift from May 8 through May 11. Mr. Wallace again declined the second shift work because he did not have childcare to work evenings. He worked on May 12 but, as of the date of the hearing, the employer had not had any work available since approximately May 15, 2006.

Mr. Wallace has not claimed job insurance benefits since filing his claim effective April 30, 2006.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether any disqualification should be imposed because of Mr. Wallace's refusal of work the employer had available the weeks ending May 6 and May 13. An individual who refuses suitable work is disqualified from receiving job insurance benefits. Iowa Code section 96.5(3)a. Lack of childcare is considered good cause for refusing work. See 871 IAC 24.24(4). However, the lack of childcare raises the issue of Mr. Wallace's availability for work.

At most, Mr. Wallace might be disqualified from receiving benefits for the weeks ending May 6 and May 13 as not being available for work. However, since he has not claimed benefits for those or any weeks, the issue is moot.

DECISION:

The representative's decision dated May 25, 2006, reference 01, is hereby affirmed. Mr. Wallace had good cause for refusing work with Ruan for the weeks ending May 6 and May 13, 2006, as he did not have childcare to work the shifts during which the work was offered. The issue of his availability during that period is moot as no benefits were claimed.

cfc/pjs