

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

GAIL L MILLS

Claimant

APPEAL NO. 09A-UI-15541-C

**ADMINISTRATIVE LAW JUDGE
DECISION**

SINGH INVESTMENT

Employer

OC: 06/14/09

Claimant: Respondent (1)

Section 96.5(3)a – Refusal of Work

STATEMENT OF THE CASE:

Singh Investment filed an appeal from a representative's decision dated October 8, 2009, reference 03, which held that no disqualification would be imposed regarding Gail Mills' September 14, 2009 refusal of work. After due notice was issued, a hearing was held on November 12, 2009 in Des Moines, Iowa. The employer participated by Surendra Tavathia, Owner/General Manager, and Kusum Tavathia, Housekeeping. Exhibits One and Two were admitted on the employer's behalf. Ms. Mills participated in the hearing by telephone.

ISSUE:

At issue in this matter is whether Ms. Mills refused an offer of suitable work.

FINDINGS OF FACT:

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Mills began working for Singh Investment, doing business as Days Inn Motel, in October of 2007. She worked there through Progress Industries, an organization for disabled individuals. She worked part time in housekeeping.

Ms. Mills last performed services for the employer in mid-June of 2009. On her last day of work, she asked for permission to go home to take medication and change her underwear because she was experiencing diarrhea. She was told that, if she left, she would no longer have a job. Because of the circumstances, she felt compelled to leave. She notified her job coach at Promise Jobs that she had been discharged. Approximately one or two weeks later, Ms. Mills' job coach and program manager confirmed with the employer that she had been discharged. The employer has not offered Ms. Mills work at any point since she left in June.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the employer offered suitable work to Ms. Mills. An individual who refuses an offer of suitable work is disqualified from receiving job insurance benefits. Iowa Code section 96.5(3)a. The administrative law judge is satisfied that Ms. Mills was discharged from her employment with Days Inn. The employer did not offer to return her to work when

contacted by her job coach and program manager. The employer has not contacted Ms. Mills about returning to work at any point since her last day of work.

For the above reasons, the administrative law judge must conclude that Ms. Mills was not offered suitable work by Days Inn at any point after filing her claim for job insurance benefits effective June 14, 2009. As such, no disqualification is imposed.

DECISION:

The representative's decision dated October 8, 2009, reference 03, is hereby affirmed. No disqualification is imposed as Ms. Mills has not been offered suitable employment by Days Inn. Benefits are allowed, provided she is otherwise eligible.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/css