

**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**

**JESSICA GUSTAFSON
5801 VISTA DR #8016
WEST DES MOINES IA 50266**

**DES STAFFING SERVICES INC
3326 INDIANOLA AVE
DES MOINES IA 50315**

**Appeal Number: 04A-UI-00053-ET
OC 10-05-03 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 – Work Refusal

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the December 23, 2003, reference 01, decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on January 26, 2004. The claimant participated in the hearing. Kathy Anderson, Human Resources Coordinator, participated in the hearing on behalf of the employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The employer made an offer of work to the claimant on December 1, 2003. That offer included the following terms: A clerical position at DSI starting December 2, 2003, working 8:30 a.m. to

5:00 p.m. and earning \$8.00 per hour. The claimant told the employer she had a meeting at her child's school and would call back and let them know if she would accept the position, but the claimant did not call the employer. She started another assignment with the employer December 22, 2003.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant did refuse a suitable offer of work.

871 IAC 24.26(19) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(19) The claimant was employed on a temporary basis for assignment to spot jobs or casual labor work and fulfilled the contract of hire when each of the jobs was completed. An election not to report for a new assignment to work shall not be construed as a voluntary leaving of employment. The issue of a refusal of an offer of suitable work shall be adjudicated when an offer of work is made by the former employer. The provisions of Iowa Code section 96.5(3) and rule 24.24(96) are controlling in the determination of suitability of work. However, this subrule shall not apply to substitute school employees who are subject to the provisions of Iowa Code section 96.4(5) which denies benefits that are based on service in an educational institution when the individual declines or refuses to accept a new contract or reasonable assurance of continued employment status. Under this circumstance, the substitute school employee shall be considered to have voluntarily quit employment.

The claimant did not quit her job, but did refuse a suitable offer of work December 1, 2003 by telling the employer she would call it back and failing to do so. This was not a same-day assignment and the claimant has not provided a good cause reason for her failure to call the employer and/or refuse the assignment. Consequently, the administrative law judge concludes the claimant is not eligible for benefits.

DECISION:

The December 23, 2003, reference 01, decision is affirmed. The claimant did not voluntarily leave her job but did refuse a suitable offer of work. Benefits are withheld.

je/b