

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JESSICA CASTELLANOS
Claimant

APPEAL NO. 06A-UI-11539-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

USA STAFFING INC
Employer

**OC: 11/05/06 R: 02
Claimant: Respondent (1)**

Section 96.5(3)a – Refusal of Work

STATEMENT OF THE CASE:

USA Staffing, Inc. filed an appeal from a representative's decision dated November 22, 2006, reference 02, which held that no disqualification would be imposed regarding Jessica Castellanos' October 30, 2006 refusal of work. After due notice was issued, a hearing was held by telephone on December 18, 2006. The employer participated by Brandon Rost, Branch Manager. Ms. Castellanos did not respond to the notice of hearing.

ISSUE:

At issue in this matter is whether any disqualification should be imposed for the refusal of work on October 30, 2006.

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: Ms. Castellanos began working through USA Staffing, Inc. on June 21, 2006 and last performed services on October 30. On October 30, she was offered two new, different assignments.

One of the assignments was as a cook at the Best Western Regency Inn in Marshalltown. It was an assignment that might have led to permanent employment. The assignment was for 30 to 40 hours each week and paid \$9.98 per hour. Ms. Castellanos declined the work because she did not want to cook. The other assignment was with Montezuma Manufacturing and also could have led to permanent employment. The assignment was for 40 or more hours each week and paid \$14.30 per hour. Ms. Castellanos declined this assignment because it was too far to drive. She filed a claim for job insurance benefits effective November 5, 2006.

REASONING AND CONCLUSIONS OF LAW:

Ms. Castellanos declined two assignments on October 30, 2006. Iowa Workforce Development has no jurisdiction over work refused when an individual is not claiming job insurance benefits. 871 IAC 24.24(8). The two work refusals at issue in this matter both occurred prior to

Ms. Castellanos filing her claim for unemployment effective November 5, 2006. Since she did not have a claim on file when the work was refused, no disqualification may be imposed.

DECISION:

The representative's decision dated November 22, 2006, reference 02, is hereby affirmed. No disqualification is imposed for Ms. Castellanos' refusal of work on October 30, 2006, as she did not have a claim for job insurance benefits on file at the time of the refusals. Benefits are allowed, provided she satisfies all other conditions of eligibility.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/kjw