

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ANDY D GIST
Claimant

APPEAL NO. 09A-UI-08131-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CARDINAL GLASS INDUSTRIES INC
Employer

OC: 03/01/09
Claimant: Respondent (1)

Section 96.5-3-a – Refusal of Recall

STATEMENT OF THE CASE:

Cardinal Glass Industries, Inc., filed a timely appeal from an unemployment insurance decision dated May 29, 2009, reference 01, that allowed benefits to Andy D. Gist. After due notice was issued, a telephone hearing was held June 23, 2009, with Mr. Gist participating. Human resources manager, Lori Ramsey, participated for the employer. Employer Exhibit 1 was admitted into evidence.

ISSUE:

Did the claimant refuse a suitable recall to work?

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Andy D. Gist was hired by Cardinal Glass Industries, Inc., on June 11, 2006. He was laid off March 8, 2009. When human resources manager, Lori Ramsey, contacted Mr. Gist on April 15, 2009 about returning to work during the week of April 19, 2009, he declined because he had accepted employment to begin the same week with Fansteel Wellman Dynamics.

REASONING AND CONCLUSIONS OF LAW:

The question is whether Mr. Gist should be disqualified for benefits for refusing recall to employment with Cardinal Glass Industries, Inc. The administrative law judge concludes the disqualification is not appropriate because Mr. Gist had already accepted other employment. The administrative law judge notes from the evidence that Mr. Gist reports working 40 hours per week for Fansteel while being recalled to 36 hours per week at Cardinal Glass Industries and that the employment with Fansteel is in his hometown of Creston, a factor that allows him to avoid the commute from Creston to Greenfield, the site of Cardinal Glass Industries.

DECISION:

The unemployment insurance decision dated May 29, 2009, reference 01, is affirmed. The claimant is entitled to receive unemployment insurance benefits, provided he again becomes unemployed and is otherwise eligible.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

srs/css