

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RUTH A COX
Claimant

APPEAL NO. 15A-UI-08461-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

N E IOWA COMMUNITY ACTION CORP
Employer

OC: 05/17/15
Claimant: Appellant (4)

Section 96.5-3-a – Work Refusal

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated July 23, 2015, reference 02, which held claimant ineligible for unemployment insurance benefits due to a refusal to accept work. After due notice, a telephone conference hearing was scheduled for and held on August 18, 2015. Claimant participated personally. Employer failed to respond to the hearing notice and did not participate.

ISSUE:

The issue in this matter is whether claimant refused to accept a suitable offer of work.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Employer made an offer of work to the claimant on June 23, 2015, asking that claimant work on June 26, 2015. Claimant refused the offer of work because she had a previous engagement on that day.

During the school year claimant works a set 30 hours a week as a co-teacher. During the summer, claimant works on an on-call basis as essentially a substitute teacher for the Head Start program. The summer hours are on a day-by-day basis for four hours a day.

On June 23, 2015 employer called claimant and asked if she could work on June 26, 2015. Claimant was unable to work on that date as she had a one day engagement that was set before claimant's call from employer. Claimant remained ready to work on all days before and after said date, and actually did work between July 1, 2015 and July 18, 2015.

The wages to be received did not enter into the decision for claimant not to work on June 26, 2015. Claimant did not decline the one-day position because of a lack of money, but rather because she had other plans.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant did refuse a suitable offer of work for the day of June 26, 2015.

Iowa Admin. Code r. 871-24.24(4) provides:

(4) Work refused when the claimant fails to meet the benefit eligibility conditions of Iowa Code § 96.4(3). Before a disqualification for failure to accept work may be imposed, an individual must first satisfy the benefit eligibility conditions of being able to work and available for work and not unemployed for failing to bump a fellow employee with less seniority. If the facts indicate that the claimant was or is not available for work, and this resulted in the failure to accept work or apply for work, such claimant shall not be disqualified for refusal since the claimant is not available for work. In such a case it is the availability of the claimant that is to be tested. Lack of transportation, illness or health conditions, illness in family, and child care problems are generally considered to be good cause for refusing work or refusing to apply for work. However, the claimant's availability would be the issue to be determined in these types of cases.

Whereas claimant did refuse the one-day offer of work, the offer of work was for only one day, and claimant's refusal was for only that one day. Said day should be looked as equivalent to a vacation, and claimant is ineligible for unemployment benefits for that period.

DECISION:

The decision of the representative dated July 23, 2015, reference 02 is modified in favor of the claimant. Claimant is eligible to receive unemployment insurance benefits, provided claimant meets all other eligibility requirements, with the exception that claimant is not eligible for benefits for the day of June 26, 2015.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/pjs