

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CANDI VARGAS
Claimant

APPEAL NO. 06A-UI-10722-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

USA STAFFING INC
Employer

**OC: 10-01-06 R: 02
Claimant: Respondent (1)**

Section 96.5(3)a – Work Refusal

STATEMENT OF THE CASE:

The employer filed a timely appeal from the October 31, 2006, reference 03, decision that allowed benefits to the claimant. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on November 20, 2006. The claimant did not respond to the hearing notice and did not participate in the hearing. Brandon Rost, Branch Manager, participated in the hearing on behalf of the employer.

ISSUE:

The issue is whether the claimant refused a suitable offer of work.

FINDINGS OF FACT:

The employer made an offer of work to the claimant on October 19, 2006. That offer included the following terms: A full-time, first-shift laborer position at Lennox Manufacturing earning \$10.00 per hour. The claimant's average weekly wage is \$396.02. The offer was made in the third week of unemployment. The claimant refused the position offered because she had secured full-time employment elsewhere.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant did not refuse a suitable offer of work.

871 IAC 24.24(7) provides:

(7) Gainfully employed outside of area where job is offered. Two reasons which generally would be good cause for not accepting an offer of work would be if the claimant were gainfully employed elsewhere or the claimant did not reside in the area where the job was offered.

The claimant had accepted another, full-time position and was gainfully employed prior to October 19, 2006, when the employer made its offer of work and that was why she refused the offer from the employer. Therefore, benefits are allowed.

DECISION:

The October 31, 2006, reference 03, decision is affirmed. The claimant did not refuse a suitable offer of work. Benefits are allowed, provided the claimant is otherwise eligible.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

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