

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

TRINA M LEVY
626 – 35TH ST SE
CEDAR RAPIDS IA 52403

REMEDY TEMPORARY SERVICES INC
c/o TALX UC EXPRESS
PO BOX 66864
ST LOUIS MO 63166 6864

Appeal Number: 05A-UI-05818-DWT
OC: 04/17/05 R: 03
Claimant: Appellant (2)

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-a – Refusal of Work Offer

STATEMENT OF THE CASE:

Trina M. Levy (claimant) appealed a representative's May 16, 2005 decision (reference 01) that concluded she was not qualified to receive unemployment insurance benefits as of April 20, 2005, because she refused to apply for a job with Remedy Temporary Services, Inc. (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on June 20, 2005. The claimant participated in the hearing. The employer failed to respond to the hearing notice by contacting the Appeals Section prior to the hearing and providing the phone number at which the employer's witness/representative could be contacted to participate in the hearing. As a result, no one represented the employer. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant refuse an offer of work without good cause?

FINDINGS OF FACT:

The claimant finished a job assignment the employer had initially assigned to her. The claimant completed the assignment during the week ending April 16, 2005. Initially, the employer did not have another job to assign to the claimant and advised her to apply for unemployment insurance benefits. The claimant established a claim for benefits during the week of April 17, 2005.

During the week of April 20, the employer offered the claimant another job assignment. The claimant declined this assignment because she had just accepted a permanent full-time job with another employer. The claimant started her full-time job the week of May 1, 2005.

REASONING AND CONCLUSIONS OF LAW:

A claimant will be disqualified from receiving unemployment insurance benefits if she refuses an offer of suitable work without good cause. Iowa Code §96.5-3-a. When the employer offered the claimant another temporary job assignment, the claimant had already accepted a job offer for a permanent full-time job that paid more than the temporary assignment. The claimant started the new job the week of May 1, 2005. Under these facts, the claimant established good cause for failing to apply or for refusing the employer's offer of work. Therefore, as of April 17, 2005, the claimant remains qualified to receive unemployment insurance benefits.

DECISION:

The representative's May 16, 2005 decision (reference 01) is reversed. The claimant refused the employer's offer of work with good cause. As of April 17, 2005, the claimant remains qualified to receive unemployment insurance benefits. The employer is not a base period employer and will not be charged for any benefits paid to the claimant.

dlw/tjc