

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ANDREW C COLLIER
Claimant

APPEAL NO. 08A-UI-05030-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CAMBRIDGE TEMPOSITIONS INC
Employer

OC: 04/13/08 R: 03
Claimant: Respondent (4)

Section 96.5-3-a – Refusal to Accept Work

STATEMENT OF THE CASE:

Cambridge Tempositions, Inc. (employer) appealed a representative's May 16, 2008 decision (reference 03) that concluded Andrew C. Collier (claimant) was eligible to receive benefits after refusing a job offer from the employer, because he did not have a valid unemployment insurance claim as of April 11, 2008. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on June 10, 2008. The claimant failed to respond to the hearing notice by contacting the Appeals Section prior to the hearing and providing the phone number at which he could be contacted to participate in the hearing. As a result, no one represented the claimant. Tonja Brown, an account specialist, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUES:

Was the claimant able to and available for work as of April 11?

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

FINDINGS OF FACT:

The claimant completed a job assignment the employer had assigned to him sometime prior to April 11, 2008. The claimant had been working a light industrial job, but also had construction experience. The assignment the claimant had been working at prior to April 11 was 10 to 15 minutes from his residence.

The claimant established a claim for benefits during the week of April 13, 2008. On April 11, 2008, the employer offered the claimant another job assignment at UNI. The job was to start on April 16 and would have paid \$8.00 an hour. The claimant declined the offer of work because it was about 10 minutes from his residence. The claimant told the employer the job was too far away because he could not drive.

On April 21, the employer offered the claimant another job. This job involved construction work and would have started on April 24. The job would have paid the claimant \$9.00 an hour. The claimant declined this job because it was again too far from his residence (about ten minutes). The claimant could have taken public transportation to the office site and then the employer would have taken the claimant to the job site.

The claimant filed a claim for the week ending April 19, 2008. He received benefits for this week.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he refuses an offer of work without good cause. Iowa Code § 96.5-3-a. The law provides that before a disqualification can be imposed both the offer of work and refusal must occur within a claimant's benefit year. 871 IAC 24.24(8). The claimant did not establish a claim for benefits until the week of April 13, 2008. Therefore, the employer's April 11 offer of work occurred before the claimant's benefit year started. As a result, the claimant cannot be disqualified for refusing the employer's April 11 offer of work.

The employer contacted the claimant and offered the claimant another job on April 21, 2008. The claimant again declined this job because it was too far from his home, ten minutes to the office of the potential employer. Since the claimant only had to get to the office where this employer would then transport him to a job site, the facts establish that the claimant refused this offer of work for reasons that disqualify him from receiving benefits. As of April 20, 2008, the claimant is disqualified from receiving benefits.

DECISION:

The representative's May 16, 2008 decision (reference 03) is modified in the employer's favor. Since the claimant did not have an established claim as of April 11, he is not disqualified from receiving benefits for declining an April 11, 2008 job offer. When the employer offered the claimant a job on April 21, the claimant had an established claim for benefits. The claimant refused the employer's April 21 offer of work without good cause. As of April 20, 2008, the claimant is not qualified to receive benefits. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw