

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ELISHA L CARPENTER
Claimant

APPEAL NO. 10A-UI-06914-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TEMPRO SERVICES INC
Employer

OC: 04/04/10
Claimant: Respondent (1)

Section 96.5(3)(A) – Refusal of Suitable Work
871 IAC 24.24(14) – Employment Offer From Former Employer

STATEMENT OF THE CASE:

The employer filed a timely appeal from the May 4, 2010, reference 01, decision that allowed benefits and that concluded the employer did not make an offer of work on April 7, 2010. After due notice was issued, a hearing was held on June 28, 2010. Claimant Elisha Carpenter participated. Colleen McGuinty, Unemployment Benefits Administrator, represented the employer and presented testimony through Natalie Polich, Assistant Division Manager. Exhibit One was received into evidence.

ISSUE:

Whether the claimant refused to accept a suitable offer of employment on or about April 7, 2010.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The employer is a temporary employment agency. Elisha Carpenter completed a temporary work assignment for the employer on April 5, 2010. On April 6 or 7, 2010, a Temprow Services representative left Ms. Carpenter a telephone message about potential new assignments. On April 7, Ms. Carpenter called Temprow Services to follow up with regard to the potential assignments. The Temprow Services representative told Ms. Carpenter about two potential assignments. One was of interest to Ms. Carpenter. The other was not of interest to Ms. Carpenter because it required a 6:30 a.m. start time, which would interfere with Ms. Carpenter's efforts to get her three minor children, aged 7, 8 and 13, ready for school. Ms. Carpenter's prior assignment had started at 8:00 a.m.

During the contact between Temprow Services and Ms. Carpenter, the temporary employment agency was not in fact offering Ms. Carpenter the assignments. Instead, the temporary employment agency was offering to send Ms. Carpenter's resume to a client business for the client business to review. The client business would then decide whether it wished to interview Ms. Carpenter. If the client business interviewed Ms. Carpenter, it would then decide whether it wanted to extend an offer of employment through the temporary employment agency. With

regard to the position, Ms. Carpenter was interested in, Temprow Services did send her resume over, but the client business decided to extend an offer to another Temprow Services employee. With regard to the position Ms. Carpenter was not interested in, Temprow Services sent resume materials for seven candidates to the client business and the client business extended offers of employment to three candidates through Temprow Services. Ms. Carpenter continued her contact with Temprow Services regarding a new work assignment.

REASONING AND CONCLUSIONS OF LAW:

If a claimant refuses a suitable offer of employment without good cause at a time when the claimant is claiming unemployment insurance benefits, the claimant is disqualified for benefits until the claimant has earned 10 times her weekly benefit amount, provided she is otherwise eligible. See Iowa Code section 96.5(3).

The weight of the evidence must establish a bonafide offer of employment at a time when the claimant is claiming unemployment insurance benefits. See 871 IAC 24.24(1).

The weight of the evidence indicates there was no offer of employment on April 7, 2010. An offer to forward Ms. Carpenter's resume for consideration by the client business did not constitute an offer of employment within the meaning of the law. Because there was no offer of employment, there could be no refusal of work. Ms. Carpenter is eligible for benefits, provided she is otherwise eligible. The employer's account may be charged for benefits paid to Ms. Carpenter.

DECISION:

The Agency representative's decision dated, May 4, 2010, reference 01, is affirmed. There was no offer of employment on April 7, 2010 and no refusal of suitable work by the claimant on that date. The claimant is eligible for benefits, provided she is otherwise eligible. The employer's account may be charged for benefits paid to the claimant.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/pjs