

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

JENNIFER R SCHROEDER
69120 LYMAN ST
GRISWOLD IA 51535

COMMUNICATIONS DATA SERVICE INC
ATTENTION: HUMAN RESOURCES
PO BOX 671
DES MOINES IA 50303

Appeal Number: 04A-UI-07951-S2T
OC: 11/02/03 R: 01
Claimant: Respondent (1)

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 96.5-3-a – Refusal to Accept Suitable Work

STATEMENT OF THE CASE:

Communications Data Services (employer) appealed a representative's July 14, 2004 decision (reference 03) that concluded Jennifer Schroeder (claimant) was eligible to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on August 16, 2004. The claimant did not provide a telephone number where she could be reached and, therefore, did not participate. The employer participated by Pete Wemhoff, Training Coordinator and Human Resources Assistant; and Deb Means, Customer Services Manager.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on January 3, 2003, as a full-time seasonal customer service representative. The claimant was laid off for lack of work on February 7, 2004. On June 18, 2004, the employer recalled the claimant to work. The claimant refused recall because she was living in Oklahoma and seeking work there.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant refused an offer of suitable work. For the following reasons the administrative law judge concludes she did not.

871 IAC 24.24(13) provides:

Claimant moved to another state. A claimant who moves to another state shall not be subject to disqualification for refusal to return to a previously held job.

The work was offered to the claimant and the claimant had moved to another state. The claimant is not subject to disqualification because she refused recall after moving to another state. The claimant is not disqualified from receiving unemployment insurance benefits.

DECISION:

The representative's July 14, 2004 decision (reference 03) is affirmed. The claimant is eligible to receive unemployment insurance benefits.

bas/kjf