

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

CHRIS M GIRSCH  
323 MARTIN RD  
WATERLOO IA 50701

CITY OF WATERLOO  
FINANCE DEPARTMENT  
715 MULBERRY ST  
WATERLOO IA 50703

Appeal Number: 06A-UI-04788-DWT  
OC: 12/11/05 R: 03  
Claimant: Respondent (1/R)

**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, 4<sup>th</sup> 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.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5-3-a – Refusal of Suitable Work

STATEMENT OF THE CASE:

City of Waterloo (employer) appealed a representative's May 3, 2006 decision (reference 02) that concluded Chris M. Girsch (claimant) was qualified to receive unemployment insurance benefits because the City of Waterloo (employer) did not offer him any work. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on May 22, 2006. The claimant participated in the hearing. Cheryl Huddleston, the human resource manager, 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.

ISSUE:

Did the employer offer the claimant work on February 9, 2006?

FINDINGS OF FACT:

The claimant worked as a part-time seasonal employee for the employer during the third quarter of 2004 and the second quarter of 2005. The claimant did not apply to work as a seasonal employee during the summer/fall of 2005 because he had other employment.

On December 27, 2005, the claimant applied for a full-time job as a recreation specialist for the employer. The employer scheduled an interview for the claimant on February 9, 2006. The claimant did not attend this scheduled interview. Prior to the scheduled interview, the claimant thought about going back to school. The claimant decided he was going back to school and working full time for the employer would conflict with his class schedule. The claimant went to back to school during the spring semester as a full-time student.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he declines an offer of suitable employment. Iowa Code § 96.5-3-a. In the case, the employer was prevented from offering the claimant a full-time job because the claimant did not go to his scheduled February 9, 2006 interview. The claimant did not go to the interview because he decided to return to school as a full-time student at the beginning of the spring semester. The claimant decided he could not go to school and work full time. The claimant is not disqualified from receiving benefits when the employer was not afforded the opportunity to offer him a job. (Even if the claimant had gone to the interview, it is not known if the employer would have offered him the full-time job.)

The claimant's availability to work is, however, at issue when he went back to school as a full-time student. This issue is remanded to the Claims Section to investigate and issue a written decision.

DECISION:

The representative's May 3, 2006 decision (reference 02) is affirmed. The claimant is not disqualified from receiving benefits for failing to go to a scheduled interview on February 9, 2006. An issue of whether the claimant is eligible to receive benefits based on his availability to work when he returned to school as a full-time student is remanded to the Claims Section to investigate and issue a written decision.

dlw/kkf