

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SIMON J PETER
Claimant

APPEAL NO. 12A-UI-04548-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

REMEDY INTELLIGENT STAFFING INC
Employer

**OC: 02/26/12
Claimant: Appellant (2)**

Section 96.4-3 – Eligibility for Benefits
Section 96.5-3-a – Refusal of Recall

STATEMENT OF THE CASE:

Simon J. Peter filed a timely appeal from an unemployment insurance decision dated April 11, 2012, reference 02, that disqualified him for benefits upon a finding that he had refused recall to suitable work. With the consent of the parties, a hearing was held on May 10, 2012. Mr. Peter participated on his own behalf. Customer Service Specialist Wendy Mesenbrink participated for the employer, Remedy Intelligent Staffing, Inc. Exhibits One through Three were admitted into evidence.

ISSUES:

Is the claimant eligible for unemployment insurance benefits?

Did the claimant refusal recall to suitable work?

FINDINGS OF FACT:

Simon J. Peter was hired by Remedy Intelligent Staffing, Inc. on October 11, 2011. In December 2011 he was working on assignment at Dickten Masch Plastics. Temporary employees such as Mr. Peter were not scheduled to work at that company from December 21, 2011 through January 2, 2012.

Mr. Peter's wife in Uganda became ill. He returned to Uganda on December 25, 2011. He was unable to return to his local labor market area until January 19, 2012 because of her illness. He contacted Remedy Intelligent Staffing on January 20, 2012. No work was available at that time. He filed a reopened claim for benefits during the week of January 15, 2012 but did not request benefits until the following week. Since the week of April 1, 2012 he has returned to work, earning more than the sum of his weekly benefit amount plus \$15.00.

REASONING AND CONCLUSIONS OF LAW:

An individual who refuses recall to suitable work is disqualified for unemployment insurance benefits. See Iowa Code section 96.5-3-a. However, an individual who does not return from recall because of a matter that would render the individual unavailable for work, denial of benefits is on a week-by-week basis. See Iowa Code section 96.4-3.

The evidence in this record persuades the administrative law judge that Mr. Peter did not return as scheduled because of his wife's illness. This does not indicate a refusal of recall. However, the evidence establishes that Mr. Peter was not available for work until the week of January 22, 2012. The evidence also establishes that he returned to employment during the week of April 1, 2012. From this, the administrative law judge concludes that the claimant is entitled to receive unemployment insurance benefits for the period January 22, 2012 through March 31, 2012.

DECISION:

The unemployment insurance decision dated April 11, 2012, reference 02, is reversed. The claimant is entitled to receive unemployment insurance benefits from January 22, 2012 through March 31, 2012, provided he is otherwise eligible.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

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