

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DEAN H DOWNER**  
Claimant

**APPEAL NO. 11A-UI-04391-AT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**PEOPLE 2.0 GLOBAL INC**  
Employer

**OC: 02/20/11**  
**Claimant: Appellant (2)**

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

**STATEMENT OF THE CASE:**

Dean H. Downer filed a timely appeal from an unemployment insurance decision dated March 23, 2011, reference 02, that disqualified him for benefits upon a finding that he had refused suitable work with People 2.0 Global, Inc. on February 24, 2011. After due notice was issued, a telephone hearing was held April 28, 2011 with Mr. Downer participating. Unemployment Insurance Specialist Amy Kaminski participated for the employer.

**ISSUE:**

Should the claimant's refusal of assignments on February 24, 2011 disqualify him for unemployment insurance benefits?

**FINDINGS OF FACT:**

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: People 2.0 Global, Inc. is a temporary employment agency. On February 24, 2011, Operations Manager Justin Gobel offered two assignments to Dean Downer. Mr. Downer declined one assignment because he had already scheduled an appointment with the Department of Veterans Affairs for that day. He declined the other assignment because it was for a midnight to 8:00 a.m. shift. Mr. Downer relies on public transportation or co-workers for transportation. He has not had a driver's license for approximately 15 years.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code § 96.5(3)a disqualifies an individual for benefits if the individual has refused a suitable offer of work. The administrative law judge concludes that the offer of work for the overnight shift was not suitable because Mr. Downer would not have been able to rely on public transportation, his normal mode of transportation for employment. Mr. Downer declined the other assignment because of a pre-arranged meeting with the Veterans Administration that

conflicted with the beginning of the assignment. That assignment did not leave Mr. Downer unavailable for work for the majority of that work week. Denial of benefits is not appropriate.

**DECISION:**

The unemployment insurance decision dated March 23, 2011, reference 02, is reversed. The claimant is entitled to receive unemployment insurance benefits, provided he is otherwise eligible.

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Dan Anderson  
Administrative Law Judge

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Decision Dated and Mailed

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