

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

JOYCE E FRAME
331 – 29TH ST NW
CEDAR RAPIDS IA 52405

KELLY SERVICES INC
999 W BIG BEAVER RD
TROY MI 48084 4716

Appeal Number: 06A-UI-01287-DWT
OC: 09/04/05 R: 03
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 – Offer of Suitable Work

STATEMENT OF THE CASE:

Kelly Services, Inc. (employer) appealed a representative's January 26, 2006 decision (reference 02) that concluded Joyce E. Frame (claimant) was qualified to receive unemployment insurance benefits even though she declined the employer's offer of work on January 9, 2006. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on January 20, 2006. The claimant participated in the hearing. Nancy Voelker 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 claimant refuse an offer of suitable work without good cause?

FINDINGS OF FACT:

The employer is a temporary employment firm. The claimant registered to work for the employer's business clients on November 23, 2004. The most recent assignment the claimant worked at for the employer started October 4, 2005. The claimant worked full time doing data entry work. She earned \$10.00 an hour at this assignment. The claimant completed this job assignment on January 6, 2006.

On January 6, 2006, the employer offered the claimant a part-time job for the same client. The new job was to start January 9 and paid \$10.00 an hour. The assignment would last indefinitely. The claimant, however, could only work nine to ten hours a week at this assignment. The employer confirmed that while the claimant worked at the part time job, the employer would not assign her to a full time job.

On January 9, 2006, the claimant informed the employer she had changed her mind and declined the assignment because it was part-time and not full-time work.

The claimant established a claim for unemployment insurance benefits during the week of September 4, 2005. The claimant's average weekly wage is \$635.94 in the highest quarter of her base period.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she refuses an offer of suitable work. To determine if a job offer is suitable, one factor that must be considered is whether during the first five weeks of unemployment a claimant earns wages that are equal to 100 percent of her average weekly earnings. Iowa Code §96.5-3-a. In this case, to be suitable work, the claimant should earn \$635.94 per week instead of \$90.00 or \$100.00. Even though the assignment was to have lasted indefinitely it was not suitable for the claimant. Additionally, the employer would not assign the claimant to another job while she worked at this part-time job. Under the facts of this case, the claimant declined the employer's offer of part-time work with good cause. As of January 8, 2006, the claimant remains qualified to receive unemployment insurance benefits.

DECISION:

The representative's January 26, 2006 decision (reference 02) is affirmed. The claimant declined an offer of work on January 9, 2006, that was not suitable for her. Therefore, as of January 8, 2006, the claimant remains qualified to receive unemployment insurance benefits provided she meets all other eligibility requirements.

dlw/s