

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**LACEY R RODGERS**

Claimant

**APPEAL NO. 12A-UI-02955-NT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**TEAM STAFFING SOLUTIONS INC**

Employer

**OC: 10/02/11**

**Claimant: Appellant (1)**

Section 96.4-3 – Able and Available for Work

Section 96.5-3-a – Refusal of Suitable Work

**STATEMENT OF THE CASE:**

Claimant filed a timely appeal from a representative's decision dated March 12, 2012, reference 01, which denied unemployment insurance benefits finding the claimant refused an offer of suitable work on May 2, 2012. After due notice a telephone hearing was held on April 17, 2012. Claimant participated. The employer participated by Ms. Sara Fiedler, Claims Administrator.

**ISSUE:**

The issue is whether the claimant refused an offer of suitable work.

**FINDINGS OF FACT:**

Having considered the evidence in the record, the administrative law judge finds: Lacey Rodgers was most recently employed through Team Staffing Solutions, Inc. to work as a production worker at the All Steel Company. The claimant was paid \$9.25 per hour and that assignment ended on January 23, 2012.

On February 1, 2012, Team Staffing Solutions offered the claimant a similar job position at S & T Tube Company at the rate of \$9.20 per hour. The assignment was to begin the following day, February 2, 2012. Ms. Rodgers accepted the second shift position but did not report for work. The claimant contacted Team Staffing Solutions indicating that she had changed her mind for personal reasons related to child care and transportation.

**REASONING AND CONCLUSIONS OF LAW:**

The question before the administrative law judge in this matter is whether claimant has refused an offer of suitable work. It does.

Iowa Code section 96.5-3-a provides:

An individual shall be disqualified for benefits:

3. Failure to accept work. If the department finds that an individual has failed, without good cause, either to apply for available, suitable work when directed by the department or to accept suitable work when offered that individual. The department shall, if possible, furnish the individual with the names of employers which are seeking employees. The individual shall apply to and obtain the signatures of the employers designated by the department on forms provided by the department. However, the employers may refuse to sign the forms. The individual's failure to obtain the signatures of designated employers, which have not refused to sign the forms, shall disqualify the individual for benefits until requalified. To requalify for benefits after disqualification under this subsection, the individual shall work in and be paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

a. In determining whether or not any work is suitable for an individual, the department shall consider the degree of risk involved to the individual's health, safety, and morals, the individual's physical fitness, prior training, length of unemployment, and prospects for securing local work in the individual's customary occupation, the distance of the available work from the individual's residence, and any other factor which the department finds bears a reasonable relation to the purposes of this paragraph. Work is suitable if the work meets all the other criteria of this paragraph and if the gross weekly wages for the work equal or exceed the following percentages of the individual's average weekly wage for insured work paid to the individual during that quarter of the individual's base period in which the individual's wages were highest:

(1) One hundred percent, if the work is offered during the first five weeks of unemployment.

(2) Seventy-five percent, if the work is offered during the sixth through the twelfth week of unemployment.

(3) Seventy percent, if the work is offered during the thirteenth through the eighteenth week of unemployment.

(4) Sixty-five percent, if the work is offered after the eighteenth week of unemployment.

However, the provisions of this paragraph shall not require an individual to accept employment below the federal minimum wage.

An otherwise eligible claimant is eligible to receive benefits with respect to any week only if the evidence indicates that the individual is able to work, is available for work and is earnestly and actively seeking work. Iowa Code section 96.4(3) and 871 IAC 24.22. The claimant bears the burden of establishing that the claimant meets the above requirements. 871 IAC 24.22.

Iowa Code section 96.5-3-a disqualifies individuals from receiving benefits if they have failed without good cause to accept suitable work when offered.

The evidence in this case establishes that the offer of work made to Ms. Rodgers was suitable in view of past training experience and the amount of hourly pay being offered. The claimant

initially accepted the assignment as, she too, believed it to be an offer of suitable work. Subsequently, for personal reasons, the claimant declined to report to the work assignment that she had accepted the day before. The administrative law judge concludes that the work was suitable and the claimant is subject to a benefit disqualification for refusing to accept it.

**DECISION:**

The representative's decision dated March 12, 2012, reference 01, is affirmed. Claimant refused an offer of suitable work and is disqualified from unemployment insurance benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount and is otherwise eligible.

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Terence P. Nice  
Administrative Law Judge

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Decision Dated and Mailed

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