

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

DIANE J ANDERSON
Claimant

FEDERAL EXPRESS CORP
Employer

APPEAL 19A-UI-09164-AW-T
ADMINISTRATIVE LAW JUDGE
DECISION

OC: 06/09/19
Claimant: Appellant (2)

Iowa Code § 96.5(3)A – Work refusal
Iowa Code § 96.4(3) – Eligibility – A&A – Able to, Available for, Work Search

STATEMENT OF THE CASE:

Claimant filed an appeal from the November 12, 2019 (reference 04) unemployment insurance decision that denied benefits. The parties were properly notified of the hearing. A telephone hearing was held on December 16, 2019, at 9:00 a.m. Claimant participated. Employer did not participate. No exhibits were admitted. Official notice was taken of the administrative record.

ISSUES:

Whether claimant is able to and available for work.
Whether claimant refused to apply for or accept an offer of suitable work.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed her original claim for benefits effective June 9, 2019. The claimant's weekly wage during the high quarter of her base period is \$773.62.

The employer made an offer of work to the claimant on October 9, 2019. The offer was for a courier driver position earning \$18.00 per hour. The offer did not specify days per week claimant would work or hours per day. Claimant declined the offer because the physical required by employer revealed possible health issues that would affect claimant's ability to perform her job duties as a courier driver. Claimant was concerned that by driving a delivery truck she may jeopardize her safety and the safety of others.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant declined a suitable offer of work for a good cause reason. Benefits are allowed, provided claimant is otherwise eligible.

Iowa Code § 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. (1) 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:

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

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

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

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

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

Employer's offer was suitable; however, claimant had a good cause reason for not accepting it. Therefore, benefits are allowed, provided claimant is otherwise eligible.

DECISION:

The November 12, 2019 (reference 04) unemployment insurance decision is reversed. Claimant had a good cause reason for rejecting a suitable offer of work. Benefits are allowed, provided claimant is otherwise eligible.

Adrienne C. Williamson
Administrative Law Judge
Unemployment Insurance Appeals Bureau
Iowa Workforce Development
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515)478-3528

Decision Dated and Mailed

acw/scn