

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JAMES L ROBERTS
Claimant

APPEAL NO. 13A-UI-08333-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

L A LEASING INC
Employer

OC: 07/29/12
Claimant: Respondent (1)

Section 96.5-3-a - Failure to Accept Suitable Work

STATEMENT OF THE CASE:

The employer appealed an unemployment insurance decision dated July 11, 2013, reference 05, that concluded the claimant was not disqualified for refusing work. A telephone hearing was held on August 20, 2013. The parties were properly notified about the hearing. The claimant participated in the hearing. Colleen McGuinty participated in the hearing on behalf of the employer with a witness, Tammy Teel.

ISSUE:

Did the claimant fail to accept an offer of suitable work without good cause?

FINDINGS OF FACT:

The employer is a staffing company that provides workers to client businesses on a temporary or indefinite basis. The claimant worked for the employer from March 18, 2011, to March 6, 2013, on a full-time assignment as a laborer at Phoenix Closure in Davenport, Iowa. His rate of pay was \$10.00 per hour. He finished that assignment and was laid off.

On June 20, 2013, the claimant was offered a full-time job paying \$8.50 per hour working as a shop helper at Horizon Group in Davenport, Iowa. The job was to start on June 21. The claimant did not accept the offer of work because he had a scheduled job interview for a job with Black Hawk Fleet that paid around \$3,000.00 per month on June 21.

The claimant filed a new claim for unemployment insurance benefits with an effective date of July 29, 2012. His average weekly wages based on his high quarter wages was \$465.58. He filed an additional claim for benefits effective March 10, 2013. The job offer on June 20 was 14 weeks after he filed his additional claim. Seventy percent of \$465.48 is \$325.90.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant is subject to disqualification for failing to accept an offer of suitable work without good cause.

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....

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.

While the job at Horizon Group met the suitability standards of Iowa Code § 96.5-3-a, the claimant had good cause to decline the offer because he had a scheduled job interview on the day that the offered job was to start that would have paid over twice as much as the offered job.

DECISION:

The unemployment insurance decision dated July 11, 2013, reference 05, is affirmed. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/css