

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ALISHA K KNOOP
Claimant

APPEAL NO. 11A-UI-15512-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TEMP ASSOCIATES
Employer

**OC: 10/30/11
Claimant: Appellant (1)**

Section 96.5(3)a – Refusal of Work

STATEMENT OF THE CASE:

The claimant, Alisha Knoop, filed an appeal from a decision dated November 30, 2011, reference 01. The decision disqualified her from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on January 3, 2012. The claimant participated on her own behalf. The employer, Temp Associates, participated by Branch Manager Deb Perdue and Account Manager Jennifer Starr.

ISSUE:

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

FINDINGS OF FACT:

Alisha Knoop began employment with Temp Associates on March 28, 2005. Her last assignment began July 18 and ended October 31, 2011, at Mackay Envelope. On Friday, November 4, 2011, Account Manager Jennifer Starr contacted the claimant and spoke with her directly to offer her another assignment at Mackay Envelope to begin Tuesday, November 8, 2011. She would be doing the same work at the same hours and wages. The claimant declined because she was on her way to Saint Louis, Missouri, with her mother to help her brother move into a new residence.

Ms. Knoop asserted she had not actually declined the offer but said she was not sure when she would be back on Monday in order to start on Tuesday. Her mother was driving at that time and sitting next to her, but she did not ask her mother if she could assure they would return home on Monday so she could accept the assignment.

REASONING AND CONCLUSIONS OF LAW:

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.

The claimant was offered suitable work to begin on a specific day in the future. She refused because she did not know if she would be back in town in time to start work on November 8, 2011. But, she did not make even the most minimal effort to ask her mother, who was sitting right next to her in the vehicle in which they were riding, to ask if they could be back on Monday, November 7, 2011.

Ms. Knoop instead refused the job offer and did not make a good-faith effort to make herself available. Less than four days had passed since the last assignment ended and, instead of waiting for contact from the agency, she went out of town for personal business. This is not a good reason for refusing the offer of work and the claimant is disqualified.

DECISION:

The representative's decision of November 30, 2011, reference 01, is affirmed. Alisha Knoop is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount in insured work, provided she is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/kjw