

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CYNTHIA S MARANDA**  
Claimant

**APPEAL NO. 08A-UI-02471-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**TEMPRO SERVICES INC**  
Employer

**OC: 12/16/07 R: 04  
Claimant: Respondent (1)**

Section 96.5(3) – Refusal of Work

**STATEMENT OF THE CASE:**

The employer, Tempro Services, filed an appeal from a decision dated March 4, 2008, reference 01. The decision allowed benefits to the claimant, Cynthia Maranda. After due notice was issued a hearing was held by telephone conference call on March 27, 2008. The claimant did not provide a telephone number where she could be contacted and did not participate. The employer participated by Unemployment Benefits Administrator Colleen McGuinty and Assistant Division Manager Natalie Polich.

**ISSUE:**

The issue is whether the claimant refused offers of available, suitable work.

**FINDINGS OF FACT:**

Cynthia Maranda filed a claim for unemployment benefits with an effective date of December 16, 2007. Her average weekly wage during the base period was determined to be \$552.36. Tempro Services offered her a job on January 3, 2008, as a computer operator at \$9.00 per hour and 24 hours per week. This would be \$216.00 per week in wages. She declined the position.

Another offer was made to the claimant on January 31, 2008, as a call center representative at \$10.00 per hour for \$400.00 per week. She declined this as it would require her to begin work on Sundays at 10:00 a.m. and she had a commitment at her church on Sunday mornings. At the time this offer was made Ms. Maranda was in her seventh week of unemployment and did not have to accept a job which paid less than 75 percent of her average weekly wage, which is \$414.27.

## 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 offer made to the claimant on January 3, 2008, did not meet the criteria of the above Code section by offering at least 100 percent of her average weekly wages during the base period. It is therefore not suitable.

The offer made on January 31, 2008, also did not meet the criteria of at least 75 percent of her average weekly wages. Under the provisions of the above Code section, neither of these offers of work were suitable due to the wages offered.

**DECISION:**

The representative's decision of March 4, 2008, reference 01, is affirmed. Cynthia Maranda is qualified for benefits, provided she is otherwise eligible.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

bgh/pjs