

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TONYA M ALLEN
Claimant

APPEAL NO. 07A-UI-09092-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MANPOWER INC OF CEDAR RAPIDS
Employer

**OC: 12/24/06 R: 03
Claimant: Appellant (2)**

Section 96.5(3)a – Refusal of Work

STATEMENT OF THE CASE:

The claimant, Tonya Allen, filed an appeal from a decision dated September 20, 2007, reference 03. The decision disqualified her from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on October 9, 2007. The claimant participated on her own behalf. The employer, Manpower, participated by Risk Control Manager Debbie Chamberlain.

ISSUE:

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

FINDINGS OF FACT:

Tonya Allen filed a claim for unemployment benefits with an effective date of December 24, 2006. She subsequently filed two additional claims with effective dates of April 22, and July 29, 2007. Her average weekly wage during her base period is \$536.00.

A Manpower representative, Julie Bennis, contacted the claimant on August 13, 2007, to offer her a job at Midwest Manufacturing to begin the next day. It was a long-term assignment at \$10.50 per hour for a 40-hour week. The claimant refused, as it did not pay enough.

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 job offered to the claimant was made the third week of her most recent additional claim. It did not pay at least \$536.00 per week, and therefore, under the provisions of the above Code section, is not suitable.

DECISION:

The representative's decision of September 20, 2007, reference 03, is reversed. Tonya Allen is qualified for benefits, provided she is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/kjw