

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ROBERT L LOPEZ**

Claimant

**APPEAL NO. 12A-UI-07266-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**RM ENTERPRISES INC**

Employer

**OC: 02/05/12**

**Claimant: Appellant (1)**

Section 96.5(3)a – Refusal of Work

**STATEMENT OF THE CASE:**

The claimant, Robert Lopez, filed an appeal from a decision dated June 11, 2012, reference 02. The decision disqualified him from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on July 11, 2012. The claimant participated on his own behalf. The employer, RM Enterprises, participated by President Rhonda Coburn.

**ISSUE:**

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

**FINDINGS OF FACT:**

Robert Lopez filed a claim for unemployment benefits with an effective date of February 5, 2012. The average wage during his base period was \$302.93 per week. He had worked off and on for RM Enterprises for a number of years doing various types of jobs, including retail and production work.

On May 1, 2012, President Rhonda Coburn contacted him by phone to offer him a full-time job to start Friday, May 4, 2012. This assignment was for an indefinite period at a production company for \$8.50 per hour, or \$340.00 per week. He refused because he had three interviews for possible permanent full-time work with other companies on Thursday and Friday. He made no attempt to make arrangements to start the assignment the next week while he waited for the outcome of his interviews and did not contact the employer after receiving rejection letters from those companies.

Mr. Lopez felt it was somehow unethical for Ms. Coburn to be offering him a job “only when he was on unemployment.”

## 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 refused an assignment for the type of work he had done before and at a higher wage than his weekly unemployment amount. The administrative law judge is not convinced the claimant truly wanted to work for RM Enterprises, because he felt the employer was somehow doing something inappropriate by offering him a job when he was on unemployment. There is no better time to offer a job to a person than when he is unemployed and looking for work.

If Mr. Lopez had truly wanted to work, he would have made a good-faith effort to try and arrange a later start date for the assignment, after his interviews. Whether or not he could have stayed

with the assignment long if he had gotten one of the jobs for which he interviewed is not the question.

The record establishes the claimant refused an offer of available, suitable work without good cause. He is disqualified.

**DECISION:**

The representative's decision of June 11, 2012, reference 02, is affirmed. Robert Lopez is disqualified and benefits are withheld until he has earned ten times his weekly benefit amount in insured work, provided he is otherwise eligible.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

bgh/kjw