

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LIN R MARK
Claimant

APPEAL NO. 10A-UI-12186-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

RIVERSIDE STAFFING SERVICES INC
Employer

OC: 04/04/10
Claimant: Respondent (1)

Section 96.5-3(b)2 – Work Offer Refusal

STATEMENT OF THE CASE:

Employer filed a timely appeal from a representative's decision dated August 24, 2010, reference 03, that held the claimant eligible to receive unemployment insurance benefits. After due notice was issued, a telephone hearing was held October 20, 2010. Although notified, the claimant did not participate. The employer participated by Karrie Minch.

ISSUE:

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

FINDINGS OF FACT:

Having considered the evidence in the record, the administrative law judge finds: Lin Mark was most recently employed by Riverside Staffing from April 22, 2010 until July 15, 2010. The claimant was assigned to work at the RR Donnelley Company as a general laborer at the rate of \$8.00 per hour. Her assignment ended on July 15, 2010 due to lack of work. Subsequently on July 23, 2010 the claimant was contacted by Kerrie Minch and offered a job position as a general laborer at the Quad City Hose Company at the rate of \$8.00 per hour. Ms. Mark declined.

The claimant's average wage during her base period was \$337.42 per week.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant refused an offer of suitable work with good cause.

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 evidence in the record establishes that the rate of pay offered by the employer did not equal 100 percent of the weekly wage received by the claimant during her base period as the offer was made during the first five weeks of unemployment and the wage offered did not equal or exceed the amount that the claimant received in her base period. The claimant refused the offer with good cause.

DECISION:

The representative's decision dated July 23, 2010, reference 03, is affirmed. Good cause for refusing the work has been shown. The claimant was eligible to receive unemployment insurance benefits, providing that she meets all other eligibility requirements of Iowa law.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

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