

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RAYMOND T QUINCY

Claimant

APPEAL NO. 12A-UI-10206-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

QPS EMPLOYMENT GROUP INC

Employer

OC: 07/15/12

Claimant: Appellant (2)

Section 96.5(3)a – Refusal of Work

STATEMENT OF THE CASE:

The claimant, Raymond Quincy, filed an appeal from a decision dated August 15, 2012, reference 03. The decision disqualified him from receiving unemployment benefits. After due notice was issued a hearing was held by telephone conference call on September 19, 2012. The claimant participated on his own behalf. The employer, QPS, participated by Human Resources Supervisor Rhonda Hefter and Recruiter Shay Libe.

ISSUE:

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

FINDINGS OF FACT:

Raymond Quincy began employment with QPS on February 15, 2012, and his first assignment ended July 13, 2012. On July 24, 2012, Recruiter Shay Libe contacted Mr. Quincy by phone to offer him a job at Corridor Construction for \$9.00 per hour, to last one to two months. He accepted and was to report to work the next day.

The claimant uses the bus for transportation and was late arriving to the designated address because the bus was re-routed due to construction. In spite of knocking at both front and back door of the building, no one answered. After remaining in the area for a while Mr. Quincy went back home and contacted Ms. Libe to explain what had happened. The client company at that time said it did not wish Mr. Quincy to return to 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 employer did not dispute the claimant accepted the assignment, so there is no evidence of a work refusal. Whether or not the assignment worked out well for everyone is another issue not to be determined at this time. The record establishes the claimant did not refuse an offer of work and disqualification may not be imposed.

DECISION:

The representative's decision of August 15, 2012, reference 03, is reversed. Raymond Quincy is qualified for benefits, provided he is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/pjs