

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MANDI J SCHMITT
Claimant

APPEAL NO: 14A-UI-05914-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

COMMUNITY CARE INC
Employer

OC: 05/04/14
Claimant: Appellant (1)

Iowa Code § 96.5(3)a – Refusal to Accept Offer of Suitable Work

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's June 4, 2014 (reference 01) determination that disqualified her from receiving benefits because she refused the employer's offer of suitable work without good cause. The claimant participated at the July 2 hearing. Dara Fishnick, the Director, and Jill Kent appeared on the employer's, DAC, behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits.

ISSUE:

Did the employer offer the claimant a suitable job?

FINDINGS OF FACT:

The claimant was working for Community Care, Inc. and learned services that Community Care, Inc. provided would transition to DAC. DAC offered Community Care, Inc. employees the same job at the same hours and wages they had at Community Care, Inc. The claimant understood that DAC, and Fishnick, wanted the claimant to continue working when DAC took over on May 8, 2014.

On April 29, Fishnick gave the claimant a written offer of continued employment. Fishnick told the claimant she needed to return the form by May 7 if she was going to continue her employment. When the claimant had not yet informed the employer what she had decided about continuing her employment, Fishnick personally talked to the claimant on May 7. The claimant told Fishnick she was not going to continue working because she wanted to find a job that utilized her degree. The claimant has a Bachelor's degree in psychology.

The claimant established a claim for benefits during the week of May 4, 2014.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she declines an offer of suitable work without good cause. Iowa Code § 96.5(3)a. The claimant acknowledged she understood DAC wanted her to continue working at the job she had been performing for Community Care, Inc. The claimant also understood, nothing would change – she would have the same hours, wages and supervisor. While the claimant's assertion she did not receive a written offer is not credible, she knew the employer offered her continued work. A written offer is not necessary for unemployment insurance purposes. The employer offered the claimant a suitable job, since it was the same job, hours and wages that she had been working.

The claimant established personal reasons for declining DAC's offer of continued employment. She did not establish she had good cause to decline the suitable offer of work. As of May 4, 2014 the claimant is not qualified to receive benefits.

DECISION:

The representative's June 4, 2014 (reference 01) determination is affirmed. The employer offered the claimant a suitable job that the claimant declined for reasons that do not constitute good cause. As of May 4, the claimant is disqualified from receiving unemployment insurance benefits. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/can