

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

JACLYN N SISNEROS
Claimant

APPEAL NO. 18A-UI-05576-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

L A LEASING INC
Employer

OC: 01/14/18
Claimant: Appellant (1)

Section 96.5-3-a – Refusal to Accept Suitable Work

STATEMENT OF THE CASE:

Jaclyn Sisneros (claimant) appealed a representative's May 10, 2018, decision (reference 04) that concluded she was not eligible to receive unemployment insurance benefits because she refused suitable work with L A Leasing (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for June 5, 2018. The claimant participated personally. The employer participated by Colleen McGuinty, Unemployment Insurance Administrator, and Melissa Rose, Account Manager.

ISSUE:

The issue is whether the claimant refused suitable work.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant filed a claim for unemployment insurance benefits with an effective date of January 14, 2018. She filed an additional claim for benefits on April 1, 2018. The claimant's average weekly wage during her highest quarter of wages was \$129.61.

On February 13, 2018, the claimant filed an application for work with the employer stating she was available for work Monday through Sunday. On April 27, 2018, during her eleventh week of being unemployed, the claimant was offered a job by the employer's Clinton, Iowa, branch manager. The job was for full-time work at Data Dimensions and the rate of pay was \$13.00 per hour or \$520.00 per week. The claimant was qualified to perform the work. It involved some Saturday hours. The claimant refused the work because she remembered someone at Iowa Workforce Development saying she could refuse Saturday work because her previous job did not involve working on Saturdays. The claimant did not want to work every Saturday.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant did not accept an offer of suitable work.

Iowa Code section 96.5(3)a provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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. (1) 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:

(a) One hundred percent, if the work is offered during the first five weeks of unemployment.

(b) Seventy-five percent, if the work is offered during the sixth through the twelfth week of unemployment.

(c) Seventy percent, if the work is offered during the thirteenth through the eighteenth week of unemployment.

(d) Sixty-five percent, if the work is offered after the eighteenth week of unemployment.

(2) However, the provisions of this paragraph shall not require an individual to accept employment below the federal minimum wage.

The work was offered within six to twelve weeks of the claimant's unemployment and was required to provide the claimant wages seventy-five percent of those paid to the claimant during the highest quarter of her base period. Seventy-five percent of the claimant's average weekly wage is \$97.21. The weekly wage offered was \$520.00. The evidence established that the claimant would have received at least seventy-five percent of her average weekly wages during her highest quarter of earnings. Based on the factors found in Iowa Code Section 96.5-3-a, the work offered to the claimant was suitable work. The claimant is not eligible to receive unemployment insurance benefits because she refused suitable work.

DECISION:

The representative's May 10, 2018, decision (reference 04) is affirmed. The claimant is not eligible to receive unemployment insurance benefits because she refused suitable work.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/rvs