

**IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI**

**Appeal Number: 04A-UI-02644-DWT
OC 01/25/04 R 04
Claimant: Appellant (1)**

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

**MARIA LISKE
14100 – 112TH AVE LOT 76
DAVENPORT IA 52804**

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal are based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

**KELLY SERVICES INC
999 W BIG BEAVER RD
TROY MI 48084**

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-3-a – Refusal of Offer of Suitable Work

STATEMENT OF THE CASE:

Maria Liske (claimant) appealed a representative's March 2, 2004 decision (reference 03) that concluded she was not qualified to receive unemployment insurance benefits because she refused an offer of suitable work from Kelly Services, Inc. (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on March 29, 2004. The claimant participated in the hearing. Julie Countryman, a supervisor, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant refuse an offer of suitable work from the employer?

FINDINGS OF FACT:

The claimant previously worked for the employer's client, American Honda, from February 19, 2002 through January 28, 2003. During the week of January 25, 2004, the claimant established a new benefit year. She had not worked since December 10, 2003. The claimant's average weekly wage during her highest base period quarter was \$248.20.

On February 4, 2004, Countryman called and offered the claimant a second-shift job at American Honda. The job paid \$7.25 per hour. When the claimant worked at American Honda before, she worked first shift and earned \$8.75 per hour. The claimant declined the second-shift job that was full time and started the next day. The claimant indicated a second-shift job was not convenient for her to work. The claimant understood the employer would contact American Honda to see if she could again work a first-shift job.

A few days later, the claimant called the employer about working first shift at American Honda. The claimant learned the first-shift supervisor at American Honda did not want the claimant to work under her supervision again. The employer did not offer another second-shift job to the claimant.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she refuses an offer of suitable work without good cause. Iowa Code §96.5-3-a. Factors that must be considered when determining whether a job is suitable includes: the individual's prior training, length of unemployment and prospects for securing local work.

The claimant asserted the employer did not offer her a second-shift job because she would have taken it. Countryman, however, personally talked to the claimant and recalled why the claimant did not accept the second-shift job. The employer may not have again offered the claimant a second-shift job after she declined the February 4 job offer, but Countryman's testimony is credible. A preponderance of the credible testimony establishes the employer offered the claimant a second-shift job at American Honda on February 4. This job would have paid the claimant more than her average weekly wage. The evidence does not establish that the claimant had good cause to decline this offer of work. Therefore, as of February 1, 2004, she is not qualified to receive unemployment insurance benefits.

DECISION:

The representative's March 2, 2004 decision (reference 03) is affirmed. The claimant refused the employer's offer of suitable work on February 4, 2004, for reasons that disqualify her from receiving unemployment insurance benefits. The claimant is disqualified from receiving unemployment insurance benefits as of February 1, 2004. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

dlw/b