

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MICHAEL D O'NEILL
Claimant

APPEAL NO: 07A-UI-02217-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MANPOWER INC OF D M
Employer

OC: 12/31/06 R: 02
Claimant: Respondent (1)

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

STATEMENT OF THE CASE:

Manpower Inc. of D M (employer) appealed a representative's February 19, 2007 decision (reference 05) that concluded Michael D. O'Neill (claimant) was qualified to receive unemployment insurance benefits even though he declined an offer of work from the employer on January 17, 2007. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on March 22, 2007. The claimant participated in the hearing. Mark Litchfield 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:

Was the employer's offer of work on January 17, 2007, suitable for the claimant?

FINDINGS OF FACT:

The claimant established a claim for unemployment insurance benefits during the week of December 31, 2006. The claimant's average weekly wage during his base period was \$514.50.

On January 17, 2007, the employer contacted the claimant about a job at Principal. The job was to start immediately and paid \$10.25 filling boxes on a carousal. The work had to be done very quickly. The job was for an indefinite time. After the claimant thought about the job, he called the employer and indicated that while he could do the job, he declined the job because he did not know how long he could do quality work at this assignment. The claimant did not know how long he could lift 70-pound boxes.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he refused an offer of suitable work without good cause. To be suitable, an offer of work must pay wages that are 100 percent of the claimant's average weekly wages in his highest quarter when work is offered during the first five weeks of unemployment. Iowa Code section 96.5-3-a.

This job was not suitable because the claimant would have earned \$410.00 a week instead of his average weekly wage of \$514.50. It would be speculative to estimate how much if any overtime the claimant would earn at this job assignment. On January 17, 2007, the facts show the claimant refused an offer of work that was not suitable. The claimant remains qualified to receive unemployment insurance benefits.

DECISION:

The representative's February 19, 2007 decision (reference 05) is affirmed. On January 17, 2007, the claimant refused an offer of work that was not suitable because he would not be earning \$514.50 a week. As of January 14, 2007, the claimant remains qualified to receive unemployment insurance benefits provided he meets all other eligibility requirements.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs