

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**RANDALL L CHRISTIE**  
Claimant

**APPEAL NO. 07A-UI-03223-CT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**REM MANUFACTURING INC**  
Employer

**OC: 09/10/06 R: 01**  
**Claimant: Respondent (1)**

Section 96.5(3)a – Refusal of Work.  
Section 96.4(3) – Able and Available

**STATEMENT OF THE CASE:**

REM Manufacturing, Inc. (REM) filed an appeal from a representative's decision dated March 20, 2007, reference 02, which held that no work was offered to Randall Christie on February 21, 2007. After due notice was issued, a hearing was held by telephone on April 16, 2007. Mr. Christie participated personally. The employer participated by Heather Durben, Operations Manager, and Mike Sonntag, General Manager. Exhibits One and Two were admitted on the employer's behalf.

**ISSUE:**

At issue in this matter is whether Mr. Christie was offered suitable work and, if so, whether he had good cause for the refusal.

**FINDINGS OF FACT:**

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Christie was employed by REM beginning August 21, 2006 and worked full time as a production operator. He was removed from the employment on September 14, 2006 because he could not physically perform the functions of his job. Because of medical problems affecting both feet, he is unable to stand for prolonged periods of time. His job at REM required him to be on his feet for the bulk of the workday.

On February 21 and March 28, 2007, the employer contacted Mr. Christie by telephone and offered him his former job as a production operator. He declined on both occasions because he continues to be unable to stand for extended periods of time. He told the employer he would be unable to stand for the eight hours required by the job. Mr. Christie's inability to tolerate the standing required of the job was the sole reason for the refusals.

Mr. Christie can only be on his feet for approximately three hours. He can walk for approximately one hour but spends several hours each day in a wheelchair. He has a high school education with no additional formal training. He is currently going through vocational

rehabilitation to acquire new skills. Mr. Christie is seeking work in the clerical or bookkeeping fields.

**REASONING AND CONCLUSIONS OF LAW:**

The work offered to Mr. Christie on February 21 and March 28, 2007 was not suitable work for him because he has medical restrictions that prevent him from performing the job. He declined the work for the same reason he left the employment in September of 2006. Inasmuch as he could not physically perform the work offered, no disqualification is imposed. See 871 IAC 24.24(2).

Mr. Christie's condition does not preclude all work activity. He cannot stand or walk for prolonged periods of time. However, the administrative law judge believes there are a number of sedentary jobs he could perform in spite of his condition. He could work as a telemarketer, a job that does not require formal training. He could perform clerical work, an area in which he has some prior experience. He could perform bench assembly work that would allow him to sit and stand at will. An individual does not have to be able to perform his prior job, just some work that is engaged in by others as a means of livelihood. See 871 IAC 24.22(1). For the above reasons, the administrative law judge concludes that Mr. Christie is able to work within the meaning of Iowa Code section 9.4(3).

The administrative law judge concludes that there is no basis for disqualifying Mr. Christie from receiving benefits. The work he refused was not suitable work for him but he remains able to work. For the reasons cited herein, benefits are allowed.

**DECISION:**

The representative's decision dated March 20, 2007, reference 02, is hereby affirmed. Mr. Christie did not refuse suitable work and is able to work. Benefits are allowed, provided he satisfies all other conditions of eligibility.

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Carolyn F. Coleman  
Administrative Law Judge

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Decision Dated and Mailed

cfc/pjs