

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**PAUL G PETERSEN**  
Claimant

**APPEAL NO: 12A-UI-10403-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**AURSTAFF**  
Employer

**OC: 10/02/11**  
**Claimant: Respondent (1)**

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

**PROCEDURAL STATEMENT OF THE CASE:**

The employer appealed a representative's August 20, 2012 determination (reference 04) that did not disqualify the claimant from receiving benefits even though he did not accept the employer's July 20, 2012 offer of work. The claimant did not respond to the hearing notice or participate in the hearing. Stephanie Novak, the employer's operations manager, appeared on the employer's behalf. Based on the evidence, the employer's arguments, and the law, the administrative law judge concludes the claimant is not disqualified from declining the employer's July 20 offer of work.

**ISSUE:**

Did the claimant decline an offer of suitable work with good cause?

**FINDINGS OF FACT:**

The claimant established a claim for benefits during the week of October 2, 2011. His average weekly wage in his highest quarter for this claim year is \$663.50.

On July 20, 2012, the employer offered the claimant a maintenance job at an apartment complex. The potential temp-to-hire job started immediately and paid \$8.50 an hour. The claimant declined this job because he was not available to work, he had personal appointments scheduled the week of July 20. The claimant has not filed any claims since late March 2012.

**REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if he declines an offer of suitable work without good cause. Iowa Code § 96.5(3)a. One of the factors that must be considered when determining if the job offered is suitable is the hourly wage and the length of time a claimant has been unemployed. When a claimant has been unemployed for 18 weeks or more, the wages offered must equal 65 percent of the claimant's average weekly wage in the highest quarter of his base period. Iowa Code § 96.5(3)a(4). In this case, to satisfy the requirement of the law, a suitable job has to pay the claimant \$10.78 an hour. In accordance with the statute, the job the employer offered the claimant was not suitable.

Also, before a claimant can be disqualified under Iowa Code § 96.5(3)a, he must be able to and available for work. 871 IAC 24.24(4). The facts indicate the claimant was not available to work the week of July 23 because he had personal appointments already scheduled. The claimant did not file any weekly claims for the weeks ending July 21 and 28.

Since the claimant was not available for work the week of July 23 and the job offered to him was not suitable for him, the claimant is not disqualified from receiving benefits as of July 20, 2012. Since the claimant did not file weekly claims for the weeks ending July 21 and 28, 2012, his eligibility to receive benefits will be determined if or when he reopens his claim.

**DECISION:**

The representative's August 20, 2012 determination (reference 04) is affirmed. The claimant is not disqualified from receiving benefits as of July 20 because the job the employer offered him was not suitable – the wages for the job the employer offered was less than 65 percent of the claimant's average weekly wages in the highest quarter of his base period. The claimant remains qualified to receive benefits as of July 20, 2012.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/css