

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**MEGAN A MANARY**  
Claimant

**NORTH LIBERTY FAMILY HEALTH  
CENTER**  
Employer

**APPEAL 15A-UI-13826-JCT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 08/02/15**  
**Claimant: Respondent (1)**

Iowa Code § 96.5(3)a – Failure to Accept Work  
Iowa Code § 96.4(3) – Ability to and Availability for Work  
Iowa Admin. Code r. 871-24.22(2) – Able & Available – Benefits Eligibility Conditions  
Iowa Code § 96.3(7) – Recovery of Benefit Overpayment

**STATEMENT OF THE CASE:**

The employer appealed an unemployment insurance decision dated December 14, 2015 (reference 02) which concluded the claimant was not subject to disqualification for refusing work. A telephone hearing was held on January 11, 2016. parties were properly notified about the hearing. The claimant participated personally. The employer participated through Darcy Fahrenkrug, Office Manager. The administrative law judge took official notice of the administrative record, including fact-finding documents. Based on the evidence, the arguments of the employer, and the law, the following findings of fact, reasoning and conclusions of law, and decision are entered.

**ISSUE:**

Did the claimant refuse a suitable offer of work?

**FINDINGS OF FACT:**

The claimant applied for, interviewed, and was offered a position as a full-time medical receptionist for this employer. The job was 40 hours per week at a rate of pay of \$12 per hour. The claimant declined the job because of the rate of pay on October 15, 2015. October 15, 2015 was during the claimant's eleventh week of unemployment.

The claimant filed a new claim for unemployment insurance benefits with an effective date of August 2, 2015. Her average weekly wage in her highest quarter of wages in his base period was \$786.12.

**REASONING AND CONCLUSIONS OF LAW:**

The issue in this case is whether the claimant is subject to disqualification for failing to accept an offer of suitable work without good cause.

Iowa Code § 96.5-3-a provides:

An individual shall be disqualified for benefits:

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. 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:

- (1) 100 percent, if the work is offered during the first five weeks of unemployment.
- (2) 75 percent, if the work is offered during the sixth through the twelfth week of unemployment.
- (3) 70 percent, if the work is offered during the thirteenth through the eighteenth week of unemployment.
- (4) 65 percent, if the work is offered after the eighteenth week of unemployment.

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

The offer of work in this case was made during the first eleven weeks of unemployment. The claimant's gross weekly wages if she accepted the position would have been \$480, 75 percent of her average weekly wage in her highest quarter of wages in her base period is \$589.50. Therefore, the claimant is not subject to disqualification because the wage offered for the medical receptionist was not equal to 75 percent of \$786.12, her average weekly wage in her highest quarter of wages in her base period. The case law makes it clear that it does not matter what the reason for the refusal is, a claimant is not subject to disqualification if the work offered does not meet the wage requirements of the law. Biltmore Enterprises, Inc., v Iowa Department of Job Service, 334 N.W.2d 284 (Iowa 1983).

**DECISION:**

The unemployment insurance decision dated December 14, 2015 (reference 02) is affirmed. The claimant is not subject to disqualification based on her refusal of work on October 15, 2015.

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Jennifer L. Coe  
Administrative Law Judge

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Decision Dated and Mailed

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