

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

SHELLEY A ANNIS
909 – 9TH AVE SE
CASCADE IA 52033

EMC ACQUISITIONS INC
ENERGY MANUFACTURING COMPANY
204 PLASTIC LN
MONTICELLO IA 52310-9472

Appeal Number: 04A-UI-04251-CT
OC: 01/04/04 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.

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 is 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.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5(3)a – Refusal of Work

STATEMENT OF THE CASE:

Shelley Annis filed an appeal from a representative's decision dated April 5, 2004, reference 04, which denied benefits on a finding that she had refused suitable work with Energy Manufacturing Company (EMC). After due notice was issued, a hearing was held by telephone on May 6, 2004. Ms. Annis participated personally. The employer participated by Walt Puccio, Human Resources Manager.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all the evidence in the record, the administrative law judge finds: Ms. Annis was referred to EMC by Workforce Development for a job opening as a customer service representative. She interviewed for the position on March 12 and an offer was extended to her on March 15. She was offered full-time employment working 40 hours per week, Monday through Friday, at an hourly rate of \$10.00. The starting date was to be determined after acceptance. Ms. Annis notified the employer on March 16 that she was declining the position in order to pursue other endeavors. She declined the job because she did not want to spend her days on the telephone with customers.

Ms. Annis filed a claim for job insurance benefits effective January 4, 2004. She reopened her claim effective January 25, 2004. The average weekly wage paid to her during that quarter of her base period in which her wages were highest was \$504.46. Ms. Annis has five years experience as an accounting assistant and also has experience as an operations manager. She was sworn in to be a real estate agent on April 22, 2004.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether any disqualification should be imposed for Ms. Annis' refusal of work with EMC. An individual who refuses an offer of suitable work is disqualified from receiving job insurance benefits. Iowa Code Section 96.5(3)a. The administrative law judge concludes that the work offered on March 15 was suitable work. It is true that Ms. Annis had no prior work experience as a customer service representative. However, given her past experience as an operations manager and given that she is now a real estate agent, she had the aptitude to learn the job. Moreover, if it was a position for which she felt unqualified, the matter should have been discussed with the Workforce Development advisor before accepting the referral. For the above reasons, it is concluded that Ms. Annis had the necessary skills to perform the job offered her by EMC.

The job was offered to Ms. Annis during the eighth week of unemployment following the reopening of her claim effective January 25, 2004. Therefore, the job had to pay at least 75 percent of the average weekly wage paid to her during that quarter of her base period in which her wages were highest. The job had to pay at least \$378.35 in order to be considered suitable work within the meaning of the law. Because the job paid \$400.00 per week, it was suitable work.

The administrative law judge appreciates that the job offered was not the type of work Ms. Annis wanted to perform. However, the fact remains that she accepted the referral and made application for the job. Inasmuch as the work offered was suitable work and inasmuch as there was no justification for the refusal, Ms. Annis is disqualified from receiving benefits effective with the week of the refusal. Benefits are denied effective March 14, 2004.

DECISION:

The representative's decision dated April 5, 2004, reference 04, is hereby affirmed. Ms. Annis refused an offer of suitable work with EMC for no good cause. Benefits are withheld effective March 14, 2004 and until such time as she has worked in and been paid wages for insured work equal to ten times her weekly job insurance benefit amount, provided she satisfies all other conditions of eligibility.

cfc/kjf