

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JAMES E BARNES**  
Claimant

**APPEAL NO. 11A-UI-11138-H2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**L A LEASING INC  
SEDONA STAFFING**  
Employer

**OC: 07-17-11  
Claimant: Respondent (2)**

Iowa Code § 96.5(3)a – Work Refusal

**STATEMENT OF THE CASE:**

The employer filed a timely appeal from the August 19, 2011, reference 05, decision that allowed benefits. After due notice was issued, a hearing was held on September 14, 2011. The claimant did participate. The employer did participate through (representative) Colleen McGuinty, Unemployment Benefits Administrator, Julie White, Account Manager and Sammi Teal, Account Manager.

**ISSUE:**

Did the claimant refuse a suitable offer of work on July 29, 2011?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Employer made an offer of work to claimant on July 29, 2011 over the telephone through their account manager, Sammi Teal. That offer included the following terms: work for Nestle Purina, a location the claimant had worked at previously, performing work as a packer. The assignment was to begin on July 30, 2011, forty hours per week, at \$9.00 per hour, as packer on the second shift. The claimant refused to the work assignment because he did not want to work for Nestle Purina. He claimed the work would not be steady, but since that offer he could have had continual work for that client since July if he had accepted the offer. Claimant's average weekly wage is \$322.29. The offer was made in the second week of unemployment. When the claimant applied for work with this employer he indicated he was willing to work any shift available.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes claimant did refuse a suitable offer of work.

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) One hundred percent, if the work is offered during the first five weeks of unemployment.

(2) Seventy-five percent, if the work is offered during the sixth through the twelfth week of unemployment.

(3) Seventy percent, if the work is offered during the thirteenth through the eighteenth week of unemployment.

(4) Sixty-five 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 was suitable as it performing a job he had previously performed for a suitable wage. The work was continuance. Claimant did not have a good-cause reason for the refusal. Benefits are denied.

**DECISION:**

The August 19, 2011, reference 05, decision is reversed. Claimant did refuse a suitable offer of work. Benefits are withheld until such time as the claimant works in and has been paid wages equal to ten times his weekly benefit amount, provided he is otherwise eligible.

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Teresa K. Hillary  
Administrative Law Judge

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Decision Dated and Mailed

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