

August 24, 2005, Customer Service Manager Patricia Dilla contacted the claimant by phone and indicated the new owners wanted her to continue working in her same job at the same hours and wages. Burke needed "every available body" to staff the store. The claimant agreed to come in for an interview with District Manager Lisa Hendricks.

That interview occurred the same day, August 24, 2005, and lasted approximately 45 minutes. Ms. Buchanan was again offered the same hours, wages, duties, and location but kept discussing personal problems and her problems with the previous owners. Finally, President Dan Burke came in and Ms. Hendricks indicated she was not progressing well with the claimant's interview. At that point Mr. Burke told the claimant "same job, same hours, same wages, same location." He repeated it three times and Ms. Buchanan continued to talk about her "stress," that she was going to sue the previous owners, she was under a doctor's care and "didn't think [she] could do it."

#### REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant is disqualified. The judge concludes she is.

Iowa Code section 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 claimant was offered a job by Burke Cleaners on August 24, 2005. The same offer was made by three different people and she did not accept the offer. The employer could not have been more succinct in the offer, telling her there would be no changes in her duties, wages, hours, or location. Whatever her problems may have been with the previous owner, they did not apply to the new owner, and yet she declined to work for Burke. She has not offered any explanation for her refusal except to indicate she had a learning disability, did not like computers and was under a doctor's care. None of this constitutes good cause for refusing an offer of available, suitable work, and the claimant is disqualified.

#### DECISION:

The representative's decision of October 17, 2005, reference 02, is affirmed. Vanessa Buchanan is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount provided she is otherwise eligible.

bgh/kjw