

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CARA J SHEETS
Claimant

ADVANCE SERVICES INC
Employer

APPEAL 17A-UI-03062-DL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 02/26/17
Claimant: Respondent (1)**

Iowa Code § 96.5(3)a – Failure to Accept Work

STATEMENT OF THE CASE:

The employer filed an appeal from the March 15, 2017, (reference 04) unemployment insurance decision that allowed benefits based upon refusal of an offer of work. The parties were properly notified about the hearing. A telephone hearing was held on April 12, 2017. Claimant participated. Employer participated through risk manager Melissa Lewien. Employer's Exhibits 1 through 7 were received.

ISSUES:

Did claimant fail to accept a suitable offer of work and if so, was the failure to do so for a good cause reason?

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 via telephone on March 3, 2017. That offer included the terms set out in Employer's Exhibit 2 and the wage offered for the job was \$12.00 per hour. Her average weekly wage (AWW) is \$744.68 (divided by 40 hours per week is equivalent to \$18.61 per hour). The offer was made in the first week of unemployment.

Employer made an offer of work to claimant via e-mail on March 8, 2017. That offer included the terms set out in Employer's Exhibit 5 and the wage offered for the job was \$14.50 per hour. The offer was made in the second week of unemployment.

Claimant declined both offers for various reasons and on March 16, 2017, declined any future work with the employer because she intends to return to school in the fall of 2017. She has since found a full-time job that began on April 8, 2017. She claimed and was paid unemployment insurance benefits for the week-ending March 4, 2017, in the amount of \$420.00.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the offer of work was not suitable.

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. (1) 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:

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

The offer was unsuitable, as it did not meet the minimum wage requirements set out above for an offer to be considered suitable. Benefits are allowed, provided she is otherwise eligible.

DECISION:

The March 15, 2017, (reference 04) unemployment insurance decision is affirmed. The offer of work was not suitable. Benefits are allowed, provided claimant is otherwise eligible.

Dévon M. Lewis
Administrative Law Judge

Decision Dated and Mailed

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