

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**GEORGE V CARTER**  
Claimant

**APPEAL NO. 08A-UI-03242-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MANPOWER INC OF CEDAR RAPIDS**  
Employer

**OC: 01/27/08 R: 04**  
**Claimant: Appellant (1)**

Section 96.5(3)a – Refusal of Work

**STATEMENT OF THE CASE:**

The claimant, George Carter, filed an appeal from a decision dated March 27, 2008, reference 02. The decision disqualified him from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on April 16, 2008. The claimant participated on his own behalf. The employer, Manpower, participated by Risk Control Manager Debbie Chamberlin.

**ISSUE:**

The issue is whether the claimant refused an offer of suitable work.

**FINDINGS OF FACT:**

George Carter was employed by Manpower beginning October 24, 2005. His last day of work was January 17, 2008. On March 3, 2008, Staffing Specialist Gail Gonyaw called and offered him a job at Rheinschmidt Marble and Granite Design for \$8.75 per hour. He declined saying he did not want to do heavy lifting. He does not have any restrictions on his physical activities imposed by a doctor and did accept a job offer at the same client company later in March.

**REASONING AND CONCLUSIONS OF LAW:**

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 refused an offer of work which would have paid him more than 75 percent of his average weekly base period wage. The amount of pay was therefore suitable. His contention he did not want to do any heavy lifting is not convincing as he did accept the same job some time later. The record establishes the claimant did not have good cause for refusing the offer of work and he is disqualified.

#### **DECISION:**

The representative's decision of March 27, 2008, reference 02, is affirmed. George Carter is disqualified and benefits are withheld until he has earned ten times his weekly benefit amount, provided he is otherwise eligible.

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Bonny G. Hendricksmeyer  
Administrative Law Judge

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Decision Dated and Mailed

bgh/css