

FINDINGS OF FACT:

The claimant worked for the employer as a home health care aide from August 2000 to August 31, 2005. She worked 30 to 40 hours per week providing home health care to elderly and disabled clients. Her rate of pay was either \$6.06 or \$10.60 per hour depending on the level of care provided to the clients. About 80 percent of her clients were through a contract with the Fort Madison Community Hospital. The claimant's average weekly wage during the highest quarter of her base period was about \$301.00.

In mid-August 2005, the employer notified the claimant that the Fort Madison Community Hospital was canceling its contract. As a result, the claimant's hours performing home health care work would have been cut substantially until the employer found clients to replace those lost as a result of the cancellation of the contract. Her wages would have also been reduced substantially.

The claimant provided a one-week notice of her intention to quit employment because of the substantial change in her hours and compensation. The employer did not assure the claimant that her hours and compensation would not be cut, and the claimant quit her employment on August 31, 2005.

The claimant filed a new claim for unemployment insurance benefits with an effective date of September 11, 2005. On September 28, 2005, the employer offered the claimant a part-time job cleaning for about 20 hours per week at a rate of pay of \$7.00 per hour, which is not substantially less than the going rate of pay for similar work in the local labor market. The claimant turned down the job because the job was did not pay enough. The employer would have added some additional home health care hours but did not talk to the claimant about this because the claimant declined the cleaning work. The offer of work was made within three weeks after the claimant filed her new claim. The work offered the claimant would not have provided wages equal to her average week wage of \$301.00.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant is subject to disqualification for failing to accept an offer of suitable work without good cause.

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....

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.

Under the statute, the job offered the claimant was not suitable work because it did provide wages equal to 100 percent of the average weekly wage of \$301.00 that the claimant was paid during her highest quarter of earnings in her base period.

DECISION:

The unemployment insurance decision dated October 14, 2005, reference 05, is affirmed. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

saw/kjw