

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DEBRA L WITT
Claimant

APPEAL NO: 13A-UI-05751-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

AVENTURE STAFFING & PROFESSIONAL
Employer

OC: 04/07/13
Claimant: Appellant (1-R)

Iowa Code § 96.5(3)a – Refusal to Accept Offer of Suitable Work

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's May 8, 2013 determination (reference 01) that disqualified her from receiving benefits because she refused an offer of suitable work without good cause. The claimant participated in the hearing. Deb Miller, a human resource assistant, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits as of April 14, 2013.

ISSUE:

Did the claimant refuse the employer's offer of work for reasons that do not disqualify her from receiving benefits?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of April 7, 2013. The claimant's average wage in the highest quarter of her base period is \$413 a week.

On April 10, the employer talked to the claimant about a long-term, full-time job as a scale operator. The job paid \$10 an hour for work that required data entry skills. The claimant has the necessary skills for data entry. When the claimant was in training for this job, she would work day hours. After she completed the training, she would be working nights.

After the employer told the claimant she would be working with truck drivers and railroad employees, the claimant indicated she was not interested in this job. The claimant is a shy person and did not think she would be comfortable working in this environment. When the employer talked to her, the claimant did not realize this was a night job, which she did not want because her husband works during the day.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she refuses to apply or refuses an offer of suitable work without good cause. Iowa Code § 96.5(3). To determine if work is suitable some of the following factors are considered:

- Degree of risk involved to a claimant's health, safety and moral
- The claimant's physical fitness
- Prior training
- Length of unemployment
- Prospects for securing work
- A claimant's average weekly wage in her high quarter

Iowa Code § 96.5(3)a.

The job the employer talked to the claimant about was a suitable job for the claimant. The claimant declined it not because it was a night job, but because she did not believe she would like the work environment. While this is a compelling personal reason for refusing a job, this reason does not amount to good cause. Therefore, as of April 14, 2013, the claimant is not qualified to receive benefits.

If the claimant has received any benefits since April 14, there is an issue of overpayment which will be remanded to the Claims Section to determine.

DECISION:

The representative's May 8, 2013 determination (reference 01) is affirmed. The claimant refused to accept an offer of suitable work for reasons that do not constitute good cause. The claimant is disqualified from receiving unemployment insurance benefits as of April 14, 2013. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible.

An issue of overpayment is **Remanded** to the Claims Section to determine for benefits the claimant may have received since April 14, 2013.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs