

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**LOGAN M MUELLER**

Claimant

**APPEAL NO. 13A-UI-00665-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ALLIED BARTON SECURITY SERVS**

Employer

**OC: 12/09/12**

**Claimant: Respondent (1)**

Section 96.5(3)a – Refusal of Work

**STATEMENT OF THE CASE:**

The employer, Allied Barton, filed an appeal from a decision dated January 15, 2013, reference 04. The decision allowed benefits to the claimant, Logan Mueller. After due notice was issued a hearing was held by telephone conference call on February 20, 2013. The claimant did not provide a telephone number where he could be contacted and did not participate. The employer participated by Human Resources Manager Jeff Faudere and Operations Manager Nick Ellringer.

**ISSUE:**

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

**FINDINGS OF FACT:**

Logan Mueller was employed by Allied Barton beginning March 2, 2012. He worked full-time at a client in Fort Dodge, Iowa. Mr. Mueller notified Operations Manager Nick Ellringer he would be moving to Des Moines, Iowa, December 7, 2012, and would no longer be available at his present location. He filed a claim for unemployment benefits with an effective date of December 9, 2012. His average weekly wage during his base period is \$477.90.

On December 11, 2012, the operations manager contacted Mr. Mueller and offered him a part-time position of 29 hours per week at \$9.50 per hour. The claimant said he would “think about it” but never got back to the employer one way or the other.

**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 declined the offer of work because it was made during the first week of his unemployment and did not pay at least 100 percent of his average weekly wage. Under the provisions of the above Code section, refusal of such a job offer is not a disqualifying issue.

**DECISION:**

The representative's decision of January 15, 2013, reference 04, is affirmed. Logan Mueller is qualified for benefits, provided he is otherwise eligible.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

bgh/pjs