

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MANUELA M MUNOZ

Claimant

APPEAL 18A-UI-04650-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

REMEDY INTELLIGENT STAFFING INC

Employer

OC: 03/11/18

Claimant: Respondent (1)

Iowa Code §96.5(3)a – Work Refusal

STATEMENT OF THE CASE:

The employer filed an appeal from the April 10, 2018, (reference 04) unemployment insurance decision that allowed benefits. The parties were properly notified about the hearing. A telephone hearing was held on May 8, 2018. Claimant did not participate. Employer participated through Keyshona Frick, Staffing Consultant.

ISSUE:

Did the claimant refuse a suitable offer of work?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed a claim with an effective date of March 11, 2018. Her gross weekly wage was calculated by the agency to be \$651.01.

On March 13, she was offered a job working second shift at the General Mills facility in Cedar Rapids, Iowa. The plant is approximately thirty miles from the claimant's home. The job paid \$10.25 per hour or \$410.00 per week. The claimant refused the job.

On March 23, the claimant was offered a second job working in the laundry at the University of Iowa. The job was for forty hours per week and paid \$12.34 per hour or \$493.60 per week. The claimant refused the job.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant did not refuse a suitable offer of work.

Iowa Code section 96.5(3)a provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

(b) Seventy-five percent, if the work is offered during the sixth through the twelfth week of unemployment.

(c) Seventy percent, if the work is offered during the thirteenth through the eighteenth week of unemployment.

(d) Sixty-five percent, if the work is offered after the eighteenth week of unemployment.

(2) However, the provisions of this paragraph shall not require an individual to accept employment below the federal minimum wage.

Both of the offers were unsuitable, as neither met the minimum wage requirements set out above for an offer to be considered suitable. Both offers were made to the claimant during the first five weeks of her unemployment and were required to be at minimum one hundred percent of her average weekly wage. Neither job met that requirement. Benefits are allowed, provided the claimant is otherwise eligible.

DECISION:

The April 10, 2018, (reference 04), decision is affirmed. Claimant did not refuse a suitable offer of work. Benefits are allowed, provided claimant is otherwise eligible.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/rvs