

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ROBERT SLUTTS**

Claimant

**APPEAL NO. 08A-UI-09443-AT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**"R J PERSONNEL INC**

**"TEMP ASSOCIATES**

Employer

**OC: 04/27/08 R: 04  
Claimant: Appellant (2)**

Section 96.5-3-a – Refusal of Suitable Work

**STATEMENT OF THE CASE:**

Robert Slutts filed a timely appeal from an unemployment insurance decision dated October 13, 2008, reference 02, that disqualified him for benefits for refusing a suitable offer of work from R J Personnel, Inc. doing business as Temp Associates. After due notice was issued, a telephone hearing was held October 29, 2008 with Mr. Slutts participating. Exhibit A was admitted into evidence on his behalf. Account Manager Mike Thomas participated for the employer.

**ISSUE:**

Did the claimant refuse a suitable offer of work?

**FINDINGS OF FACT:**

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: On or about September 2, 2008, R J Personnel, Inc., doing business as Temp Associates, offered an assignment to Robert Slutts of Muscatine. The offer was to work at a Procter & Gamble warehouse in West Branch. The warehouse was approximately 35 miles from Mr. Slutts' residence. The assignment called for 12-hour shifts with work on five or six nights per week.

Mr. Slutts is 69 years old. A year ago he suffered a mini stroke. His physician does not want him to work more than eight hours per day, five days a week. Mr. Slutts turned down the assignment because of these reasons and because of the commuting distance.

**REASONING AND CONCLUSIONS OF LAW:**

The question is whether Mr. Slutts refused a suitable offer of work. He did not.

Iowa Code section 96.5-3-a disqualifies an individual for benefits if they refuse a suitable offer of work. There is a two-fold test for suitability. The first part of the test has to do with the wage that is offered. From the evidence in the record the administrative law judge concludes that the

offer met the wage portion of the test. The second portion of the test, however, is whether the actual job is suitable for the individual claimant. The evidence here persuades the administrative law judge that the job was not suitable for Mr. Slutts because of the length of each work shift, the number of shifts per week and the commuting distance involved. No disqualification should be imposed.

**DECISION:**

The unemployment insurance decision dated October 13, 2008, reference 02, is reversed. The claimant did not refuse a suitable offer of work. He is entitled to receive unemployment insurance benefits, provided he is otherwise eligible.

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Dan Anderson  
Administrative Law Judge

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Decision Dated and Mailed

pjs/pjs