

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

JOEL B KNUTSON
2621 SALEM CIR
MARION IA 52302-6421

HAWKEYE AUTO
ATTN PAUL E NEAL
4835 – 10TH AVE
MARION IA 52302

Appeal Number: 06A-UI-05245-CT
OC: 02/05/06 R: 03
Claimant: Appellant (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5(3)a – Refusal of Work

STATEMENT OF THE CASE:

Joel Knutson filed an appeal from a representative's decision dated May 11, 2006, reference 02, which denied benefits on a finding that he refused suitable work with Hawkeye Auto. After due notice was issued, a hearing was held by telephone on June 7, 2006. Mr. Knutson participated personally. The employer participated by Derek Taylor, Sales Manager.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Knutson responded to a newspaper ad placed

by Hawkeye Auto (Hawkeye) for a car detailer, a position for which he has prior experience. The job was at a fixed location for 40 hours per week with a starting wage of \$8.00 per hour. Mr. Knutson interviewed for and was offered the job. On the same day, he was offered a position with Kelly Green Motors (Kelly). He declined the position with Kelly for medical reasons. On April 19, 2006, approximately two days after he was offered the position with Hawkeye, Mr. Knutson gave notice that he was declining the position. He did not give a reason for his decision.

Mr. Knutson filed a claim for job insurance benefits effective February 5, 2006. The average weekly wage paid to him during that quarter of his base period in which his wages were highest was \$423.96.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether any disqualification should be imposed for Mr. Knutson's April 19, 2006 refusal of work. An individual who refuses an offer of suitable work without good cause is disqualified from receiving job insurance benefits. Iowa Code section 96.5(3)a. The work offered to Mr. Knutson by Hawkeye was work he has performed in the past and, therefore, would not require any skills he did not already have. The job was offered during the eleventh week following the filing of his claim for job insurance benefits. Therefore, the job had to pay at least 75 percent of the average weekly wage paid to him during that quarter of his base period in which his wages were highest. That is, the job had to pay at least \$317.97 in order to be considered suitable work within the meaning of the law.

The work offered to Mr. Knutson paid at least \$320.00 per week (40 hours x \$8.00/hour). Inasmuch as it was work he was qualified to perform and paid the wages required by law, the administrative law judge concludes that the work offered by Hawkeye was suitable work. The next question is whether Mr. Knutson had good cause for refusing the work. During the hearing, he testified that he declined the job with Hawkeye because he had been offered work with Kelly on the same day. The matter of an additional job offer was not mentioned as a reason for turning down the job when Mr. Knutson gave his fact-finding statement to Workforce Development previously. At that time, he indicated he turned down work with Hawkeye because of the wages. Moreover, given the timing of the offers and the refusals, the administrative law judge is not satisfied that the offer from Kelly was on the table when Mr. Knutson declined work with Hawkeye. It was a day or two after Hawkeye offered him the job that Mr. Knutson gave notice that he was refusing it. It appears from the testimony that he knew at that time that he was not accepting the job with Kelly. Furthermore, if he was earnestly seeking work, he would have re-contacted Hawkeye to see if the job was still available after he turned down work with Kelly.

After considering all of the evidence, the administrative law judge concludes that Mr. Knutson has failed to establish good cause for refusing the work offered to him on April 19, 2006. Accordingly, benefits are denied as of the Sunday of the week in which the refusal occurred, April 16, 2006.

DECISION:

The representative's decision dated May 11, 2006, reference 02, is hereby affirmed. Mr. Knutson refused an offer of suitable work with Hawkeye for no good cause. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly job insurance benefit amount, provided he satisfies all other conditions of eligibility.

cfc/pjs