

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RANDY L BUTTERFIELD
Claimant

APPEAL NO. 07A-UI-02403-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

RASMUSSEN DRAINAGE SERVICE LTD
Employer

OC: 01/14/07 R: 04
Claimant: Appellant (2)

Section 96.5-3-a - Refusal of Offer of Work

STATEMENT OF THE CASE:

Randy L. Butterfield (claimant) appealed a representative's February 26, 2007 decision (reference 01) that concluded he was not qualified to receive unemployment insurance benefits, because he refused Rasmussen Drainage Service Ltd. (employer) offer of work. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on March 26, 2007. The claimant participated in the hearing. Tim Rasmussen, the president, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant refuse the employer's offer of work without good cause?

FINDINGS OF FACT:

The claimant has worked as a full-time general laborer for the employer 13 to 15 years. The employer's business is seasonal. Employees are laid off from work December through mid-March or April.

On January 14 or 15, 2007, the employer talked to the claimant and asked him to work part of a day on January 17, 2007. The employer only expected the claimant to earn about \$80 the week ending January 20, 2007. The claimant did not report to work on January 17, 2007.

The employer contacted the claimant on or about January 20 to find out why he had not worked on January 17. The employer offered the claimant work at Rasmussen's home on January 23, 2007. The employer wanted the claimant to take off wallpaper by soaking the paper with water and then scraping it off with a putty knife. The employer only wanted the claimant to work part of the day on January 23 and did not expect the claimant to earn more then \$80 during the week ending January 27, 2007.

The claimant declined the employer's offer to work on January 23. The claimant refused this job because he wanted to use a wallpaper steamer and knew the employer would not get one for

the claimant to use. The claimant did not believe it was cost effective for him to travel to the employer's house for the little time the employer wanted him to work. The claimant indicated he was going to look for a higher paying job.

The claimant had established a claim for unemployment insurance benefits during the week of January 14, 2007. The claimant earned an average weekly wage of \$739.00 during the high quarter in his base period.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he fails to accept work offered by the employer on recall. Iowa Code § 96.5-3-a, 871 IAC 24.24(2)(b). The facts establish the claimant was on a layoff from work because the employer's work is seasonal. The employer asked the claimant to work part of a day during the weeks ending January 20 and 27. The employer had some work for the claimant to do, but did not plan for the claimant to earn more than \$80.00 a week. The employer did not want to jeopardize the claimant's receipt of unemployment insurance benefits.

Since the work the employer offered was minimal and the employer had no intention of having the claimant work so he could earn wages of more than \$80.00 a week, the evidence indicates the employer's work was not suitable to disqualify the claimant from receiving benefits. Therefore, as of January 21, 2007, the claimant is not disqualified from receiving unemployment insurance benefits.

DECISION:

The representative's February 26, 2007 decision (reference 01) is reversed. The claimant declined the employer's offer of minimal work for reasons that do not disqualify him from receiving unemployment insurance benefits. The claimant remains qualified to receive benefits as of January 21, 2007.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css