

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

TIMOTHY B LIAGRE
Claimant

FAMILY RESOURCES INC
Employer

APPEAL 22A-UI-10649-AD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 02/13/22
Claimant: Respondent (1)**

Iowa Code § 96.4(3) - Able and Available
Iowa Code § 96.5(3)a – Failure to Accept Work

STATEMENT OF THE CASE:

On April 27, 2022, Family Resources Inc (employer/appellant) filed an appeal from the Iowa Workforce Development (IWD) decision dated April 21, 2022 (reference 03) that allowed unemployment insurance benefits based on a finding Timothy Liagre (claimant/respondent) refused an offer of work with employer but had good cause for doing so.

After due notice was issued, a telephone conference hearing was held on June 13, 2022. Claimant participated personally. Employer participated by Payroll and Benefits Specialist Julieta Valencia. Employer's Exhibits 1 and 2 were admitted. No other exhibits were offered or admitted. Official notice was taken of the administrative record.

ISSUES:

Was claimant able to and available for work?

Did claimant refuse to apply for or accept an offer of suitable work?

FINDINGS OF FACT:

Having heard the testimony and having reviewed the evidence in the record, the administrative law judge finds:

Claimant filed a claim for benefits with an effective date of February 13, 2022. Claimant filed weekly continued claims from the benefit week ending March 12 through the benefit week ending April 16, 2022. Claimant was able to work, available for work, and earnestly and actively seeking work during those weeks.

Employer offered claimant a position on March 3, 2022. The position was for 40 hours per week and paid \$15.00 per hour for an average weekly wage of \$600.00. Claimant earned \$9,194.00 in wages in the third quarter of 2021. This was the highest quarter of wages in his base period. The average weekly wage during that quarter was \$707.00.

Claimant separated from his previous employment on February 16, 2022. Claimant was in the first five weeks of unemployment as of March 3, 2022.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the decision dated April 21, 2022 (reference 03) that allowed unemployment insurance benefits based on a finding Timothy Liagre (claimant/respondent) refused an offer of work with employer but had good cause for doing so is AFFIRMED.

Iowa Code section 96.4 provides in relevant part:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

3. a. The individual is able to work, is available for work, and is earnestly and actively seeking work. This subsection is waived if the individual is deemed partially unemployed, while employed at the individual's regular job, as defined in section 96.1A, subsection 37, paragraph "b", subparagraph (1), or temporarily unemployed as defined in section 96.1A, subsection 37, paragraph "c". The work search requirements of this subsection and the disqualification requirement for failure to apply for, or to accept suitable work of section 96.5, subsection 3, are waived if the individual is not disqualified for benefits under section 96.5, subsection 1, paragraph "h".

Iowa Code § 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. (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.

Claimant was in his first five weeks of unemployment when the offer was made and the position did not pay 100 percent of the average weekly wage for the highest quarter of wages in his base period. The offer of work was therefore unsuitable and claimant's failure to accept it was not disqualifying. Claimant was otherwise able to work, available for work, and earnestly and actively seeking work during the weeks filed and as such was eligible for benefits.

DECISION:

The decision dated April 21, 2022 (reference 03) that allowed unemployment insurance benefits based on a finding Timothy Liagre (claimant/respondent) refused an offer of work with employer but had good cause for doing so is AFFIRMED. Benefits are allowed, provided claimant is not otherwise disqualified or ineligible



Andrew B. Duffelmeyer
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June 22, 2022
Decision Dated and Mailed

abd/abd