

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CURTIS LOGGINS

Claimant

REMEDY INTELLIGENT STAFFING INC

Employer

APPEAL 19A-UI-09670-AW-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 09/29/19

Claimant: Respondent (1)

Iowa Code § 96.5(3)A – Work Refusal

STATEMENT OF THE CASE:

Employer filed an appeal from the December 2, 2019 (reference 06) unemployment insurance decision that allowed benefits. The parties were properly notified of the hearing. A telephone hearing was held on January 7, 2020, at 9:00 a.m. Claimant did not participate. Employer participated through Vicky Matthias, Staffing Supervisor. No exhibits were admitted. Official notice was taken of the administrative record.

ISSUES:

Whether claimant refused to accept an offer of suitable work.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed his original claim for benefits effective September 29, 2019. Claimant's weekly wage during the high quarter of his base period is \$728.15.

The employer made an offer of work to the claimant on November 19, 2019. The offer was for a short-term temporary position working 40 hours per week at a rate of \$12.00 per hour. The offer was made during claimant's eighth week of unemployment. Employer needed claimant to begin work that day. Claimant was not able to work that day due to lack of childcare. Claimant declined the offer.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant did not refuse a suitable offer of work. Benefits are allowed, provided claimant is otherwise eligible.

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.

A two-step analysis is used to determine whether a claimant has refused a suitable offer of work. First, the offer must be for suitable work. If suitability is established, then, claimant must have a good cause reason for refusal. See Iowa Admin. Code r. 871-24.24(3).

To be considered suitable, an offer of work must meet minimum wage requirements set out above. Because the offer was made during claimant's eighth week of unemployment, the offer must meet or exceed 75% of claimant's average weekly wage to be considered suitable. Claimant's average weekly wage during the highest quarter of his base period is \$728.15. Seventy-five percent of the average weekly wage is \$546.11. Employer's offer was for 40 hours per week at a wage of \$12.00 per hour, which amounts to a gross weekly wage of \$480.00. The offer did not meet or exceed the minimum wage requirement and, therefore, is not considered suitable. Claimant did not refuse to accept a suitable offer of work. Benefits are allowed, provided claimant is otherwise eligible.

DECISION:

The December 2, 2019 (reference 06) unemployment insurance decision is affirmed. Claimant did not refuse a suitable offer of work. Benefits are allowed, provided claimant is otherwise eligible.

Adrienne C. Williamson
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Decision Dated and Mailed

acw/scn