

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**BAMBI R BROWN**  
Claimant

**APPEAL NO: 12A-UI-13439-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**SWAN HOME HEALTH LLC**  
Employer

**OC: 05/22/11**  
**Claimant: Respondent (2/R)**

Iowa Code § 96.5(3)a – Refusal of Suitable Work

**PROCEDURAL STATEMENT OF THE CASE:**

The employer appealed a representative's November 2, 2012 determination (reference 03) that held the claimant qualified to receive benefits as of August 23, 2012, because the employer did not offer her work. The claimant participated in the hearing. Nick Lensch and Connie Blum appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits because she refused the employer's offer to return to work without good cause.

**ISSUES:**

Did the employer offer the claimant a suitable job?

Did the claimant decline the employer's offer of work with good cause?

**FINDINGS OF FACT:**

The claimant worked for the employer from October 19, 2011 through August 14, 2012. She had worked as a full-time PSA and medication aide. The employer discharged the claimant for a no-call, no-show incident. The claimant's employment separation was addressed in the decision for appeal 12A-UI-11182-DWT.

On August 23, 2012, the employer offered the claimant her job back. Even though the offer was identical to the job the claimant had, she declined the job. The claimant declined the job because she believed she would be working in a hostile work environment. The claimant concluded Blum, her supervisor, since July 2012, did not like her and did not want the claimant to work for the employer. Also, the claimant believed problems or issues she had with Blum would continue.

**REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if she refuses an employer's offer of work without good cause. Iowa Code § 96.5(3)a. The law presumes a claimant is disqualified from receiving benefits for refusing a former employer's offer of work if

the work offered is reasonably suitable, comparable and within the claimant's usual occupation. 871 IAC 24.24(14)a. Since the employer offered the claimant the same job, shift and wages she had prior to August 14, the employer offered her a suitable job. The claimant's reason for refusing the job offer does not constitute good cause. Even though the claimant believed Blum did not want her as an employee, issues with Blum could have potentially worked out. The claimant did not quit this employment or report to management problems with Blum. The claimant is not qualified to receive benefits as of August 23, 2012.

Since the claimant's claim involved two claim years, May 22, 2011 and May 20, 2012, the issue of overpayment will be remanded to the Claims Section to determine.

**DECISION:**

The representative's November 2, 2012 determination (reference 03) is reversed. The claimant refused the employer's offer of suitable work for personal reasons that do not constitute good cause. The claimant is disqualified from receiving unemployment insurance benefits as of August 23, 2012. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. This issue of overpayment of benefits that covers two claim years is **Remanded** to the Claims Section to determine.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/pjs