

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TIMOTHY E BUNDE
Claimant

APPEAL NO. 06A-UI-09663-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

EMPLOYMENT CONNECTIONS INC
Employer

OC: 08/20/06 R: 01
Claimant: Appellant (1)

Section 96.5(3)a – Refusal of Work

STATEMENT OF THE CASE:

Timothy Bunde filed an appeal from a representative's decision dated September 25, 2006, reference 01, which denied benefits based on his separation from Employment Connections, Inc. After due notice was issued, a hearing was held by telephone on December 11, 2006. Mr. Bunde participated personally. The employer participated by Deb Lenz, Sales Manager.

ISSUE:

At issue in this matter is whether Mr. Bunde refused an offer of suitable work and, if so, whether he is disqualified from receiving benefits based on the refusal.

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. Bunde began working through Employment Connections, Inc. on April 3, 2006. The employer provides both short-term and long-term assignments. On August 26, 2006, Mr. Bunde completed an assignment with Don's Pest Control.

On August 29, Mr. Bunde was offered a long-term assignment with Polaris. The assignment was for 40 hours each week and paid \$10.00 per hour. It was available to start immediately. Mr. Bunde declined the assignment and indicated he had personal matters he needed to attend to. He also notified the employer that he had applied for work with a different employer. On September 6, he was offered a job elsewhere and began the new employment on September 11, 2006.

Mr. Bunde filed a claim for job insurance benefits effective August 20, 2006. The average weekly wage paid to him during that quarter of his base period in which his wages were highest was \$358.17. Mr. Bunde claimed job insurance benefits for the weeks ending August 26, September 2, and September 9, 2006.

REASONING AND CONCLUSIONS OF LAW:

Mr. Bunde refused work offered to him on August 29, 2006. 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 was offered during Mr. Bunde's second week of unemployment. As such, it had to pay at least 100 percent of the average weekly wage paid to him during that quarter of his base period in which his wages were highest. In other words, the job had to pay at least \$358.17 per week in order to be considered suitable work within the meaning of the law. The work offered to Mr. Bunde paid \$400.00 per week and was, therefore, suitable work.

Mr. Bunde declined work on August 29 because he was waiting to hear if he had received another job he had applied for. He could have continued working while waiting to hear about the new job. He was not already working elsewhere and did not have any work offers pending when he refused work on August 29. The possibility of full-time work elsewhere does not constitute good cause for refusing suitable work that is immediately available. Moreover, if Mr. Bunde was holding himself available to the employer with whom he had submitted an application, he would not be considered available for work within the meaning of the law. See 871 IAC 24.23(20).

For the reasons stated herein, the administrative law judge concludes that Mr. Bunde did not have good cause for refusing work offered by Employment Connections, Inc. on August 29, 2006. Accordingly, benefits are denied.

DECISION:

The representative's decision dated September 25, 2006, reference 01, is hereby affirmed. Mr. Bunde refused an offer of suitable work on August 29, 2006 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.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/pjs