

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**TINA M WOLFE**  
Claimant

**COLLABERA**  
Employer

**APPEAL 18A-UI-07250-SC-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 04/22/18**  
**Claimant: Appellant (4)**

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Iowa Code § 96.5(3)a – Failure to Accept Work  
Iowa Code § 96.4(3) – Ability to and Availability for Work  
Iowa Admin. Code r. 871-24.22(2) – Able & Available - Benefits Eligibility Conditions

**STATEMENT OF THE CASE:**

Tina M. Wolfe (claimant) filed a timely appeal from the June 29, 2018, reference 04, unemployment insurance decision that denied benefits because she refused a suitable offer of work with Collabera (employer). After due notice was issued, a telephone conference hearing was held on July 25, 2018 and was consolidated with the hearing for appeal 18A-UI-07251-SC-T. The claimant participated. The employer did not respond to the hearing notice and did not participate. No exhibits were offered into the record.

**ISSUES:**

Was a suitable offer of work made to the claimant?  
If so, did the claimant fail to accept and was the failure to do so for a good cause reason?

**FINDINGS OF FACT:**

Having heard the testimony and having reviewed the evidence in the record, the administrative law judge finds: The claimant filed her claim for benefits effective April 22, 2018 and her average weekly wage during her high quarter is \$634.31. The week of June 10, 2018, the employer made an offer of work to claimant. The offer was for a temporary position with a large insurance company that would have lasted from one week to six months. The claimant would have been paid \$14.00 an hour for forty hours per week and initially was scheduled to work 7:00 a.m. to 3:30 p.m. After accepting the position the claimant was told the hours would be 10:00 a.m. to 7:00 p.m.

The same week, the claimant received another offer of work from a second large insurance company. The job would not begin until July 23, 2018. It was for a permanent position paying \$16.00 an hour and included benefits. The claimant declined the offer from the employer and accepted the job that would not start until July 23, 2018. The claimant contends she has continued to look for work and has declined other employer due to the position she accepted. If things do not work with her current employer, she will be in contact with the other employers to discuss the other opportunities.

## REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant refused a suitable offer of work with good reason.

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.

The offer of work was made during the eighth week of the claimant's unemployment and would have paid an average of \$560.00 a week. The claimant's average weekly wage from the high

quarter of her base period is \$634.31, 75 percent of which is \$475.73. The offer of work was suitable as it was for wages more than 75 percent of the claimant's average week wage. However, the claimant had a good cause reason for failing to accept that position. She accepted a permanent job with higher pay and benefits when refusing the job with the employer. Therefore, she is not disqualified for refusing a suitable offer of work and will not be disqualified from receiving unemployment insurance benefits until she earns ten times her weekly benefit amount in insured wages.

For the reasons that follow, the administrative law judge concludes the claimant was not able to and available for work from June 10, 2018 through the week ending July 21, 2018. Benefits are denied.

Iowa Code section 96.4(3) provides:

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

3. 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 96.19, subsection 38, paragraph "b", unnumbered paragraph (1), or temporarily unemployed as defined in section 96.19, subsection 38, 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 Admin. Code r. 871-24.23 provides, in relevant part:

Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

...

(3) If an individual places restrictions on employability as to the wages and type of work that is acceptable and when considering the length of unemployment, such individual has no reasonable expectancy of securing work, such individual will be deemed not to have met the availability requirements of Iowa Code section 96.4(3).

...

(20) Where availability for work is unduly limited because the claimant is waiting to be recalled to work by a former employer or waiting to go to work for a specific employer and will not consider suitable work with other employers.

...

(23) The claimant's availability for other work is unduly limited because such claimant is working to such a degree that removes the claimant from the labor market.

The claimant had a good cause reason for refusing the suitable offer of work with the employer. However, from June 10, 2018 through July 21, 2018, the claimant was waiting to go to work with a specific employer. By refusing the job with this employer, the claimant indicated she was not willing to consider suitable work with other employers. The claimant was not able to and available for work. Benefits are denied for the six-week period ending July 21, 2018.

**DECISION:**

The June 29, 2018, reference 04, decision is modified in favor of the claimant. The claimant declined a suitable offer of work for a good cause reason. She is not disqualified from receiving benefits until she has earned ten times her weekly benefit amount. However, from June 10, 2018 through the week ending July 21, 2018, the claimant was not able to and available for work. Benefits are denied for the six-week period ending July 21, 2018.

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Stephanie R. Callahan  
Administrative Law Judge

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Decision Dated and Mailed

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