

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BROOKE N ROHN
Claimant

APPEAL NO. 11A-UI-10439-VST

**ADMINISTRATIVE LAW JUDGE
DECISION**

STUFF ENTERPRISES INC
Employer

**OC:07/03/11
Claimant: Respondent (2)**

Section 96.5-3-A – Work Refusal

STATEMENT OF THE CASE:

The employer filed an appeal from a decision of a representative dated August 5, 2011, reference 01, which held claimant eligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on August 30, 2011. Employer participated by Mary Sunblat, Owner. The claimant did not respond to the hearing notice and did not participate. The record consists of the testimony of Mary Sunblat.

ISSUE:

Whether the claimant refused an offer of suitable work.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witness and having considered all of the evidence in the record, makes the following findings of fact:

The employer is in the consignment department store business. The employer operates at a number of different locations in eastern Iowa. The claimant was employed as a part-time supervisor and pricer at the employer's store in west Cedar Rapids.

On June 30, 2011, the owner, Mary Sunblat, visited the west Cedar Rapids location and informed the claimant and two other pricers that the store was closing. The claimant was highly regarded as an employee and Ms. Sunblat offered the claimant the same position at the store located on Blairs Ferry Road in Cedar Rapids. The claimant would be given the same rate of pay. The claimant failed to accept the offer.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant is subject to disqualification for failing to accept an offer of suitable work without good cause.

Iowa Code section 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....

a. 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:

(1) One hundred percent, if the work is offered during the first five weeks of unemployment.

(2) Seventy-five percent, if the work is offered during the sixth through the twelfth week of unemployment.

(3) Seventy percent, if the work is offered during the thirteenth through the eighteenth week of unemployment.

(4) Sixty-five percent, if the work is offered after the eighteenth week of unemployment..

The evidence established that the claimant worked as a pricer for the employer and was considered a good and valuable employee. Ms. Sunblat testified that she personally offered the claimant the same position at a different store in Cedar Rapids. There would be no change in wages. The claimant did not participate in the hearing and her reasons for not accepting the offer are unknown. Since the claimant refused to accept an offer of suitable work, the claimant is disqualified from receiving benefits.

DECISION:

The decision of the representative dated August 5, 2011, reference 01, is reversed. The claimant is disqualified from receiving benefits due to a refusal of suitable work.

Vicki L. Seeck
Administrative Law Judge

Decision Dated and Mailed

vls/css