

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JAMES L RAYCHEL
Claimant

APPEAL NO. 12A-UI-09059-LT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**SEDONA GROUP
SEDONA STAFFING SERVICE LLC**
Employer

**OC: 02/26/12
Claimant: Respondent (1)**

Iowa Code § 96.5(3)a – Work Refusal

STATEMENT OF THE CASE:

The employer filed an appeal from the July 20, 2012 (reference 03) decision that allowed benefits. After due notice was issued, a hearing was held by telephone conference call on August 21, 2012. Claimant did not respond to the hearing notice instructions and did not participate. Employer participated through unemployment benefits administrator Colleen McGuinty and industrial account manager Elizabeth Gunnell.

ISSUE:

Was a suitable offer of work was made in the benefit year; did the claimant fail to apply for or refuse an offer of suitable work; and if so, was the refusal for a good cause reason?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Employer did not make an offer of work to claimant on June 20, 2012.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes no offer of work was actually communicated to claimant on June 20, 2012.

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. 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. 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.

However, the provisions of this paragraph shall not require an individual to accept employment below the federal minimum wage.

Since no offer of work was actually made, benefits are allowed, provided claimant is otherwise eligible.

DECISION:

The July 20, 2012 (reference 03) decision is affirmed. Employer did not communicate an offer of work to claimant on June 20, 2012. Benefits are allowed, provided claimant is otherwise eligible.

NOTE TO EMPLOYER:

If you wish to change your mailing name or address of record please access your account at:

<https://www.myiowaui.org/UITIPTaxWeb/>.

Helpful information about using this site may be found at:

<http://www.iowaworkforce.org/ui/uiemployers.htm> and

<http://www.youtube.com/watch?v= mpCM8FGQoY>

Dévon M. Lewis
Administrative Law Judge

Decision Dated and Mailed

dml/pjs