

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CAROL A PRICE
Claimant

APPEAL NO. 14A-UI-05326-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

EMPLOYMENT CONNECTIONS INC
Employer

OC: 12/08/13
Claimant: Appellant (1)

Section 96.5-3 – Refusal of Suitable Work

STATEMENT OF THE CASE:

Claimant filed a timely appeal from the representative's decision dated May 21, 2014, reference 01, which denied unemployment insurance benefits finding that the claimant refused to accept an offer of suitable work on May 9, 2014. After due notice was provided, a telephone hearing was held on June 11, 2014, at which time the claimant participated personally. The employer participated by Ms. Debora Lenz, Branch Manager.

ISSUE:

At issue in this matter is whether the claimant refused an offer of suitable work on May 9, 2014.

FINDINGS OF FACT:

The administrative law judge, having considered all the evidence in the record, finds: Carol Price was most recently employed by Employment Connections, Inc. from March 4, 2013 until April 30, 2014. Ms. Price worked as a production worker at the Pure Fishing Company located at Spirit Lake, Iowa, through Employment Connections, Inc. Ms. Price was paid \$10.50 per hour.

After the assignment at Pure Fishing Company had ended Ms. Price informed Employment Connections, Inc. of her availability for additional assignments. On May 9, 2014, the claimant was offered a housekeeping position at the Hilltop Care Center located in Spirit Lake, Iowa. The claimant was initially told that the new assignment would pay \$10.00 per hour.

Ms. Price declined the offer of a temporary assignment at the Hilltop Care Center in Spirit Lake as a housekeeping worker stating that she did not have transportation to the jobsite from her residence in Spencer, Iowa. The claimant also expressed concern because of a previous felony conviction some 16 years previous.

Ms. Price had secured transportation from her home in Spencer, Iowa to work at the Pure Fishing assignment in Spirit Lake. The claimant had not checked upon the availability of other

rides to the new assignment and had not considered taking public transportation that was available from Spencer to Spirit Lake each day. The employer, Employment Connections, Inc., has stated that they did not believe that a previous felony conviction would preclude the claimant from working as a housekeeper at the care facility.

REASONING AND CONCLUSIONS OF LAW:

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 § 96.19, subsection 38, paragraph "b", unnumbered paragraph 1, or temporarily unemployed as defined in § 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 § 96.5, subsection 3 are waived if the individual is not disqualified for benefits under § 96.5, subsection 1, paragraph "h".

Iowa Admin. Code r. 871-24.24(1)a provides:

(1) Bona fide offer of work.

a. In deciding whether or not a claimant failed to accept suitable work, or failed to apply for suitable work, it must first be established that a bona fide offer of work was made to the individual by personal contact or that a referral was offered to the claimant by personal contact to an actual job opening and a definite refusal was made by the individual. For purposes of a recall to work, a registered letter shall be deemed to be sufficient as a personal contact.

Iowa Admin. Code r. 871-24.24(4) provides:

(4) Work refused when the claimant fails to meet the benefit eligibility conditions of Iowa Code section 96.4(3). Before a disqualification for failure to accept work may be imposed, an individual must first satisfy the benefit eligibility conditions of being able to work and available for work and not unemployed for failing to bump a fellow employee with less seniority. If the facts indicate that the claimant was or is not available for work, and this resulted in the failure to accept work or apply for work, such claimant shall not be disqualified for refusal since the claimant is not available for work. In such a case it is the availability of the claimant that is to be tested. Lack of transportation, illness or health conditions, illness in family, and child care problems are generally considered to be good cause for refusing work or refusing to apply for work. However, the claimant's availability would be the issue to be determined in these types of cases.

An otherwise eligible claimant is eligible to receive benefits with respect to any week only if the evidence indicates that the individual is able to work, is available for work, and is earnestly and actively seeking work. Iowa Code section 96.4(3) and 871 IAC 24.22. The claimant bears the burden of establishing that the claimant meets the above requirements. 871 IAC 24.22.

To satisfy the availability requirement, an individual must be willing, able and ready to accept suitable work which the individual does not have good cause to refuse.

In the case at hand public transportation was available to the claimant from her residence in Spencer, Iowa to the job location in Spirit Lake, Iowa and the employer had informed the claimant that her previous felony conviction would not be a bar to her working as a housekeeper in the care facility. Based upon the claimant's previous employment and the period of time that the claimant had been unemployed since filing her most recent claim for unemployment benefits, the pay offered to the claimant for the position was suitable.

For the above-stated reasons the administrative law judge concludes that the claimant refused an offer of suitable work without good cause on May 9, 2014 and is ineligible to receive unemployment insurance benefits until she has worked in and earned wages equal to ten times her weekly benefit amount and meets all other eligibility requirements of Iowa law.

DECISION:

The representative's decision dated May 21, 2014, reference 01, is affirmed. The claimant refused an offer of suitable work on May 9, 2014 and is ineligible to receive unemployment insurance benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount and meets all other eligibility requirements of Iowa law.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

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