

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

THOMAS F RENDA
Claimant

APPEAL NO. 11A-UI-09742-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

PER MAR SECURITY & RESEARCH CORP
Employer

OC: 06/05/11
Claimant: Respondent (1)

Section 96.5-3-a - Failure to Accept Suitable Work
Section 96.4-3 - Able to and Available for Work

STATEMENT OF THE CASE:

The employer appealed an unemployment insurance decision dated July 13, 2011, reference 01, that concluded claimant was not subject to disqualification for declining work. A telephone hearing was held on August 17, 2011. The parties were properly notified about the hearing. The claimant participated in the hearing. Shauna Schroeder participated in the hearing on behalf of the employer.

ISSUES:

Did the claimant fail to accept an offer of suitable work without good cause?

Was the claimant able to and available for work?

FINDINGS OF FACT:

The claimant worked full time for the employer as a security officer assigned to work at Southeast Polk High School from June 21, 2010, to early June 2011. He was paid \$9.00 per hour for 40 hours of work per week. The job is a short distance from his house.

The claimant filed a new claim for unemployment insurance benefits with an effective date of June 5, 2011. His average weekly wages based on his high quarter of wages was \$371.88.

On June 7, the claimant was offered a part-time assignment working 20 hours per week for \$10.00 per hour as a security guard at the West Des Moines Dog Park about 24 miles from his home. The claimant determined that the wages he earned would not cover his expenses commuting and declined the job.

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 § 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 claimant not subject to disqualification for declining work on June 7 because the job was unsuitable under the wage standards of Iowa Code § 96.5-3-a.

The next issue in this case is whether the claimant is able to work, available for work, and earnestly and actively seeking work as required by the unemployment insurance law in Iowa Code § 96.4-3. I conclude that the claimant unwillingness to accept a part-time job 24 miles from his residence does not show he was not able to and available for work.

DECISION:

The unemployment insurance decision dated July 13, 2011, reference 01, is affirmed. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/css