

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**GREG SINDT**  
Claimant

**APPEAL NO. 08A-UI-00173-BT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**EMPLOYMENT CONNECTIONS INC**  
Employer

**OC: 07/01/07 R: 01**  
**Claimant: Respondent (1)**

Section 96.4-3 - Availability for Work  
Section 96.5-3-a - Refusal of Suitable Work

**STATEMENT OF THE CASE:**

Employment Connections (employer) appealed an unemployment insurance decision dated January 2, 2008, reference 05, which held that Greg Sindt (claimant) was eligible for unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on January 22, 2008. The claimant did not comply with the hearing notice instructions and did not call in to provide a telephone number at which he could be contacted, and therefore, did not participate. The employer participated through Deb Lenz, Branch Manager. Based on the evidence, the arguments of the party, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

The issue is whether the claimant refused a suitable offer of work?

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and having considered all of the evidence in the record, finds that: The claimant was offered work from the employer on December 7, 2007. The job offer was a second shift laborer position that paid \$11.73 per hour, or a weekly wage of \$469.20. The claimant's average weekly wage during his base period is \$825.41. He refused the job offer for personal reasons. He had previously worked as a laborer for this employer making \$11.65 per hour.

**REASONING AND CONCLUSIONS OF LAW:**

The issue is whether the claimant is disqualified for refusing a suitable offer of work, and for the following reasons, the administrative law judge concludes he is not.

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.

The employer offered the claimant work on December 7, 2007, which he refused due to personal reasons. The offer of employment was made after the claimant's third week since he filed his most recent claim. Inasmuch as the claimant was offered employment with wages that did not equal 100 percent of his average weekly wage paid during the highest quarter of his base period, the administrative law judge does not consider the work offered by the employer to be suitable work within the meaning of the law. Since the claimant did not refuse a suitable offer of work, he qualifies for unemployment insurance benefits. Since the employer is not a base period employer, its account is not subject to charge during the current benefit year.

**DECISION:**

The unemployment insurance decision dated January 2, 2008, reference 05, is affirmed. The claimant did not refuse a suitable offer of work and is qualified for benefits, provided he is otherwise eligible. The employer's account is not subject to charge during the current benefit year.

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Susan D. Ackerman  
Administrative Law Judge

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Decision Dated and Mailed

sda/kjw