

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MATT DEAN**  
Claimant

**APPEAL NO. 12A-UI-05503-LT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**L A LEASING INC  
SEDONA STAFFING**  
Employer

**OC: 01/01/12  
Claimant: Respondent (2)**

Iowa Code § 96.5(3)a – Work Refusal

**STATEMENT OF THE CASE:**

The employer filed an appeal from the May 8, 2012 (reference 02) decision that allowed benefits. After due notice was issued, a hearing was held by telephone conference call on June 5, 2012. Claimant did not respond to the hearing notice instructions and did not participate. Employer participated through unemployment benefits administrator, Colleen McGuinty and Clinton office account manager, Shelby Kingery.

**ISSUE:**

Did claimant refuse a suitable offer of work and if so, was the refusal was for a good cause reason?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was offered a work assignment on employment on April 17, 2012 to begin on April 18 for full-time first or third shift work as a laborer, working temp-to-hire at \$8.50 per hour (\$340.00 per week). He declined because of the wage rate. He has not claimed benefits since exhausting his regular UI benefits in the ten weeks ending March 10, 2012. He has not had any other reported work since the fourth quarter of 2011 with this employer. The claimant's average weekly wage is \$433.96. The offer was made after the tenth week of unemployment. Claimant did have a valid claim for unemployment insurance benefits at the time but had exhausted his regular UI benefits.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes claimant did refuse a suitable offer of work.

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. 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 offer was suitable as it met the 75 percent of the average weekly wage requirement and claimant did not have a good cause reason for the refusal. However he has not claimed benefits after March 10, 2012.

**DECISION:**

The May 8, 2012 (reference 02) decision is reversed. Claimant did refuse a suitable offer of work. Benefits are withheld effective the week ending April 21, 2012 until such time as the claimant works in and has been paid wages equal to ten times his weekly benefit amount, provided he is otherwise eligible. Inasmuch as no benefits were claimed or paid, no overpayment applies.

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Dévon M. Lewis  
Administrative Law Judge

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Decision Dated and Mailed

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