

Quality Cleaners was sold to Burke Cleaners effective August 25, 2005. On August 24, 2005, President Dan Burke talked to the claimant and offered him the same job he had been doing at the same wages and location.

Mr. Padavich was not sure he wanted to continue working for the new owners. He might have had the start time of his shift changed by 30 or 45 minutes, and might not be doing a lot of counter work, but his main duties would remain the same. He declined the job because he thought his hours might be cut, but the only potential change was in his start time.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant is disqualified. The judge concludes he is.

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 claimant was offered the same hours, wages, and location as he had worked for Quality Cleaners. His decision to decline the job offer with Burke Cleaners was because of a potential small change in his start time and the possibility he might not be doing any counter work. However, because the bulk of his duties would remain the same, the administrative law judge considers the job offer to be suitable and the claimant's refusal to be without good cause. He is disqualified.

DECISION:

The representative's decision of October 13, 2005, reference 02, is affirmed. Kory Padavich is disqualified and benefits are withheld until he has earned ten times his weekly benefit amount provided he is otherwise eligible.

bgh/kjw