

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**BECKY K CUBBAGE**  
Claimant

**APPEAL NO. 07A-UI-02856-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**TEAM STAFFING SOLUTIONS**  
Employer

**OC: 04/02/06 R: 04  
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 March 16, 2007, reference 05, that concluded the claimant was not subject to disqualification for failing to accept work. A telephone hearing was held on April 5, 2007. The parties were properly notified about the hearing. The claimant participated in the hearing. Sarah Fiedler participated in the hearing on behalf of the employer. Exhibits One and Two were admitted into evidence at the hearing.

**ISSUE:**

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 employer is a staffing service that provides workers to client businesses on a temporary or indefinite basis. The claimant worked as a general laborer on an assignment with Communication Data Services in Wilton, Iowa, from July 3, 2006, to February 23, 2007. The rate of pay for the job was \$9.90 per hour for 40 hours per week of work.

The claimant completed the job assignment on February 23, 2007. On March 2, 2007, the claimant received a call from Belinda Vasquez. Vasquez said the employer had an assignment available at Plastic Products, Inc. located in West Branch, Iowa. She told the claimant that the job was about 15 miles from Wilton, Iowa, where the claimant had last worked. Vasquez then noticed that the claimant lived in Davenport and told the claimant that it was probably too far for her. The claimant was not sure where the job was but agreed with Vasquez that it was probably too far. Vasquez did not explain any more about the terms of employment, such as the type of job, rate of pay, or number of hours involved. The job would have paid \$9.50 per hour for 40 hours of work per week, but this was not explained to the claimant.

**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 is not subject to disqualification under Iowa Code § 96.5-3-a, because she did not receive a bona fide offer of work as required by 871 IAC 24.24(1) and it does not appear the job offered at least 100 percent of the average weekly wage based on the highest quarter of earning in her base period.

**DECISION:**

The unemployment insurance decision dated March 16, 2007, reference 05, is affirmed. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/kjw