

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MICHAEL D O'NEILL**  
Claimant

**APPEAL NO: 07A-UI-02216-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MANPOWER INC OF D M**  
Employer

**OC: 12/31/06 R: 02**  
**Claimant: Respondent (1)**

Section 96.5-3-a – Refusal to Accept Offer of Suitable Work

**STATEMENT OF THE CASE:**

Manpower Inc. of D M (employer) appealed a representative's February 19, 2007 decision (reference 04) that concluded Michael D. O'Neill (claimant) was qualified to receive unemployment insurance benefits even though he declined an offer of work from the employer on January 10, 2007. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on March 22, 2007. The claimant participated in the hearing. Mark Litchfield appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Was the employer's offer of work on January 10, 2007, suitable for the claimant?

**FINDINGS OF FACT:**

The claimant established a claim for unemployment insurance benefits during the week of December 31, 2006. The claimant's average weekly wage during his base period was \$514.50.

On January 10, 2007, the employer contacted the claimant about a job for Source Corp. The job was to start immediately and paid \$10.00 an hour scanning documents. The job was for an indefinite time. The claimant declined the job and indicated he was not interested in it.

**REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if he refused an offer of suitable work without good cause. To be suitable, an offer of work must pay wages that are 100 percent of the claimant's average weekly wages in his highest quarter when work is offered during the first five weeks of unemployment. Iowa Code section 96.5-3-a.

This job was not suitable because the claimant would have earned \$400.00 a week instead of his average weekly wage of \$514.50. It would be speculative to estimate how much if any overtime the claimant would earn at this job assignment. On January 10, 2007, the facts show

the claimant refused an offer of work that was not suitable for him. The claimant remains qualified to receive unemployment insurance benefits.

**DECISION:**

The representative's February 19, 2007 decision (reference 04) is affirmed. On January 10, 2007, the claimant refused an offer of work that was not suitable because he would not be earning \$514.50 a week. As of January 7, 2007, the claimant remains qualified to receive unemployment insurance benefits, provided he meets all other eligibility requirements.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/pjs