

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**GEROLD CLAY**  
Claimant

**SEDONA STAFFING INC**  
Employer

**APPEAL 20A-UI-13815-ED-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 04/05/20**  
**Claimant: Respondent (2)**

Iowa Admin. Code r. 871-24.24(14)(B)  
Iowa Code § 96.5(3)a – Work Refusal  
Iowa Code § 96.4(3) – Able to and Available for Work

**STATEMENT OF THE CASE:**

On November 2, 2020, Sedona Staffing Inc. (employer) filed an appeal from the October 26, 2020, reference 01, unemployment insurance decision that allowed benefits based upon the determination that Gerold Clay (claimant) did not accept an offer of work with the employer because the job was not suitable because circumstances relating to the previous separation from the employer still existed. The parties were properly notified about the hearing held by telephone on December 31, 2020. The claimant did not respond to the hearing notice and did not participate. The employer participated through Colleen McGuinty.

**ISSUES:**

Did the claimant refuse a suitable offer of work?  
Is the claimant able to and available for work?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed in a temporary, full-time position as a General Laborer for the employer's client East Iowa Plastics. The assignment ended on July 21, 2020 due to completion of the assignment. Claimant was offered a new assignment as a machine operator on July 22, 2020. The new assignment was first shift and paid \$15.00 per hour, which is comparable to the prevailing rate of pay for similar work in the area. Claimant refused the work assignment because he didn't think he could get hired on full time.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant failed to accept a suitable offer of work communicated to him on July 22, 2020. The offer was suitable as it was comparable to the prevailing rate of pay for similar work in the area and claimant did not have a good cause reason for the failure to accept it.

Iowa Code section 96.5(3)a provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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. (1) 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:

(a) One hundred percent, if the work is offered during the first five weeks of unemployment.

(b) Seventy-five percent, if the work is offered during the sixth through the twelfth week of unemployment.

(c) Seventy percent, if the work is offered during the thirteenth through the eighteenth week of unemployment.

(d) Sixty-five percent, if the work is offered after the eighteenth week of unemployment.

(2) However, the provisions of this paragraph shall not require an individual to accept employment below the federal minimum wage.

Iowa Admin. Code r. 871-24.24(1)a provides:

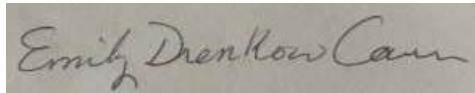
(1) Bona fide offer of work.

a. In deciding whether or not a claimant failed to accept suitable work, or failed to apply for suitable work, it must first be established that a bona fide offer of work was made to the individual by personal contact or that a referral was offered to the claimant by personal contact to an actual job opening and a definite refusal was made by the individual. For purposes of a recall to work, a registered letter shall be deemed to be sufficient as a personal contact.

Here, a firm offer of work was actually made to claimant. Claimant refused the work as he didn't think he could get hired on full time, which is not good cause for refusing work. Claimant did not assert that he was unavailable for work. Benefits are denied.

**DECISION:**

The October 26, 2020, decision is reversed. Employer did communicate a bona fide offer of work to claimant, and claimant refused the offer of work without good cause. Benefits are denied.



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Emily Drenkow Carr  
Administrative Law Judge

January 19, 2021  
Decision Dated and Mailed

ed/scn

*Note to Claimant:* This decision determines you are not eligible for regular unemployment insurance benefits. If you disagree with this decision, you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision. Individuals who do not qualify for regular unemployment insurance benefits, but who are currently unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to self-certify for PUA to determine your eligibility under the program.** Additional information on how to self-certify for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>. If this decision becomes final or if you are not eligible for PUA, you may have an overpayment of benefits.