

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

JUDITH A NEILSEN
2511 W 14TH ST
SPENCER IA 51301 2616

MEDI-CLAIM SOLUTIONS
PO BOX 466
SPENCER IA 51301 0466

JOHN GREER
ATTORNEY AT LAW
PO BOX 215
SPENCER IA 51301-0215

Appeal Number: 06A-UI-03329-DWT
OC: 02/19/06 R: 01
Claimant: Respondent (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the ***Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.***

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-3-a – Refusal of Suitable Work

STATEMENT OF THE CASE:

Medi-Claim Solutions (employer) appealed a representative's March 15, 2006 decision (reference 02) that concluded Judith A. Nielsen (claimant) was qualified to receive unemployment insurance benefits even though the claimant declined the employer's offer of work on February 13, 2006. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on April 11, 2006. The claimant participated in the hearing. John Greer, attorney at law, appeared on the employer's behalf. Cynthia Donohue-Greer, the owner, testified on the employer's behalf. Renea Dutler, Jeanette Trojahn, and Shanna Johnson observed the hearing.. During the hearing, Employer's Exhibit One was offered and admitted as evidence. 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:

Did the employer's offer and the claimant's decline of the employment offer occur during an established benefit year?

FINDINGS OF FACT:

The claimant had been working for Physicians Neck and Back Clinics as an account manager. The claimant earned \$12.54 an hour plus incentive pay. Donohue-Greer was the claimant's supervisor.

Physicians Neck and Back Clinics and Donohue-Greer entered into an agreement where the employer would take over the billing part of the business in mid-February 2006. On February 7, 2006, the employer sent the claimant a letter verifying she was currently an employee of Physicians Neck & Back Clinics and her employment with this entity would be terminated on February 17, 2006. The employer offered the claimant a job on February 9 to work as a receptionist at \$11.40 per hour. Initially, the claimant accepted this offer. (Employer Exhibit One.)

On February 13, 2006, the claimant informed the employer she had changed her mind and declined the employer's offer to work as a receptionist. The claimant declined the job because she considered the employer's offer of work as a demotion.

The claimant did not establish a claim for benefits until the week of February 19, 2006.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she declines an offer of suitable work without good cause. Iowa Code §96.5-3-a. Both the offer of work and the claimant's accompanying refusal must occur within the individual's benefit year before a disqualification can be imposed. 871 IAC 24.24(8).

The claimant did not establish a claim for unemployment insurance benefits until the week of February 19, 2006. Therefore, the employer offered the claimant a job as a receptionist and the claimant declined this offer before she established a claim for unemployment insurance benefits. The employer had legitimate business reasons for making the offer on February 9. However, for unemployment insurance purposes the claimant cannot be disqualified for refusing a job offer before she filed a claim for unemployment insurance benefits. Therefore, the claimant is not disqualified from receiving unemployment insurance benefits for declining the employer's offer of work. As a result, the issue of whether the claimant had good cause to decline the offer of work does not need to be addressed.

DECISION:

The representative's March 15, 2006 decision (reference 02) is affirmed. The employer's offer of work and the claimant's decision to decline the offer of work occurred before the claimant established a claim for unemployment insurance benefits. Based on the 871 IAC 24.24(8), the claimant remains qualified to receive unemployment insurance benefits as of February 19, 2006, provided she meets all other eligibility requirements.

dlw/pjs