

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

MARK L ODOR
APT 106
915 W HILL AVE
MOUNT PLEASANT IA 52641-2869

CITY OF MOUNT PLEASANT
C/o CLERK
220 W MONROE
MOUNT PLEASANT IA 52641

Appeal Number: 06A-UI-04460-DWT
OC: 07/03/05 R: 04
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:

City of Mount Pleasant (employer) appealed a representative's April 18, 2006 decision (reference 08) that concluded Mark L. Odor (claimant) was qualified to receive unemployment insurance benefits even though he declined the employer's offer of work. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on May 10, 2006. The claimant failed to respond to the hearing notice by contacting the Appeals Section prior to the hearing and providing the phone number at which he could be contacted to participate in the hearing. As a result, no one represented the claimant. Lori Davis, the recreational supervisor, appeared on the employer's behalf. Based on the evidence, the arguments of the employer, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Is the claimant qualified to receive benefits if he has declined an offer of suitable work?

FINDINGS OF FACT:

The claimant established a claim for unemployment insurance benefits during the week of July 3, 2005. The claimant worked three hours a week for the employer from November to mid-December and from mid-January to mid-February working as a basketball official. On February 11, 2006, the employer asked the claimant if he would again work about a month for the employer as a soccer official. This job would start April 8, 2006, and the employer did not require the claimant to be an expert in soccer. The claimant declined the employer's offer of a one-month part-time job.

The claimant's average weekly wage during his highest quarter is \$352.50.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he refuses an offer of suitable work without good cause. Iowa Code § 96.5-2-a. It is not necessary that the offer or the refusal occur in a week in which the claimant filed a weekly claim before a disqualification can be imposed. 871 IAC 24.24.8.

The employer offered the claimant a part-time job that would last about one month. While the claimant was capable of doing the work, the offer was only for three hours of work a week. This would amount to supplemental employment. A three-hour a week job is not the type of employment that disqualifies a claimant from receiving unemployment insurance benefits. Based on the hours of work the employer offered the claimant, the work offered is not suitable for unemployment insurance purposes. Therefore, as of February 11, 2006, the claimant remains qualified to receive unemployment insurance benefits.

DECISION:

The representative's April 18, 2006 decision (reference 08) is affirmed. The employer's offer of work is not suitable for unemployment insurance purposes. Therefore, the claimant remains qualified to receive benefits as of February 11, 2006, provided he meets all other eligibility requirements.

dlw/kkf