

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**BARRY COLEMAN**  
Claimant

**APPEAL NO. 11A-UI-11016-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**L A LEASING INC**  
Employer

**OC: 06/26/11**  
**Claimant: Respondent (2)**

Iowa Code § 96.5(3)a – Refusal of Offer of Suitable Work

**PROCEDURAL STATEMENT OF THE CASE:**

The employer appealed a representative's August 16, 2011 determination (reference 04) that held the claimant was not disqualified from receiving benefits as of July 19, 2011, because the employer did not offer the claimant a job. The claimant participated in the hearing. Colleen McGuinty and Casey Lester appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits as of July 19, 2011.

**ISSUES:**

On July 19, 2011, did the employer offer the claimant suitable work?

**FINDINGS OF FACT:**

The claimant worked for one of the employer's clients, NIS, from February 26 through May 28, 2010. The claimant accepted this assignment as a temp-to-hire employee. Even though the claimant believed he performed the work assigned to him satisfactorily, NIS did not hire the claimant as an employee at the end of his first 90 days. The employer understood NIS was not satisfied with the claimant's job performance and did not hire him. Also, NIS did not offer the claimant another job in May 2010.

The claimant did not establish a claim for benefits until the week of June 26, 2011. The claimant's average weekly wage in the high quarter of his base period is \$320.58. The claimant registered to work with the employer on May 23, 2011. The claimant has not filed any weekly claims because he was disqualified from receiving benefits based on the reasons for an employment separation with another employer.

On July 19, 2011, an account manager, Scarlet Linn, called and talked to the claimant about working again at NIS. The job was different than the first job he had at NIS. This job would start immediately, paid \$9 an hour for full-time work, and again was a temp-to-hire assignment.

The claimant declined this job offer because NIS did not hire him as an employee in 2010. The claimant told Linn he was not looking for another job, because he allegedly had another job.

**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. Iowa Code § 96.5(3). The employer's offer of work at NIS for \$360 a week exceeds the claimant's average weekly wage, so Iowa Code § 96.5(3)a(1) is satisfied.

The law presumes a claimant refuses an offer of work without good cause when a former employer offers the claimant work that is reasonably suitable and comparable and within the claimant's usual occupation. 871 IAC 24.24(14). Even though the claimant did not want to work at NIS, because he had not been hired as a full time employee in 2010, this reason does not establish good cause for declining the job offer. The evidence does not establish that the claimant was working for another employer when he declined the employer's July 19, 2011 offer of work.

Based on the evidence presented during the hearing, the claimant declined the employer's July 19, 2011 offer of suitable work without good cause. Therefore, as of July 19, 2011, he is not qualified to receive benefits.

**DECISION:**

The representative's August 16, 2011 determination (reference 04) is reversed. On July 19, 2011, the employer offered the claimant a suitable job. The claimant declined the employer's offer of work without good cause. The claimant is disqualified from receiving unemployment insurance benefits as of July 19, 2011. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/kjw