

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ADAM FEATHERSTON
Claimant

APPEAL NO. 09A-UI-03207-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**LA LEASING INC
SEDONA STAFFING**
Employer

**Original Claim: 12/14/08
Claimant: Appellant (1)**

Section 96.5(3)a – Refusal of Work

STATEMENT OF THE CASE:

The claimant, Adam Featherston, filed an appeal from a decision dated February 18, 2009, reference 02. The decision disqualified him from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on March 24, 2009. The claimant participated on his own behalf. The employer, Sedona Staffing, participated by Unemployment Benefits Administrator Colleen McGuinty and President Nikki Kiefer.

ISSUE:

The issue is whether the claimant refused an offer of suitable work.

FINDINGS OF FACT:

Adam Featherston filed a claim for unemployment benefits with an effective date of December 14, 2008. His weekly benefit amount is \$110.00, his average weekly wage during the base period was \$195.96.

On January 21, 2009, Account Manager Carrie Cannon from Sedona Staffing contacted the claimant with an offer of work. It was a full-time position at Northwest Direct for \$9.50 per hour. He said he would get back to her and on January 23, 2009, declined. It did not pay as much as the job he had immediately prior to filing his claim for benefits but exceeded his average weekly wage during the base period. He also did not like to do telemarketing.

Adam Featherston has received unemployment benefits since filing a claim with an effective date of December 14, 2008.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5-3-a provides:

An individual shall be disqualified for benefits:

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. 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:

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

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

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

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

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

The claimant declined the job even though it paid more than his average weekly wage during his base period. There is no indication it would violate any physical restrictions he had. He declined it because he did not like to do telemarketing. This does not constitute good cause for refusing a suitable offer of work and the claimant is disqualified.

DECISION:

The representative's decision of February 18, 2009, reference 02, is affirmed. Adam Featherston is disqualified and benefits are withheld until he has earned ten times his weekly benefit amount, provided he is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/kjw