

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MICHELLE L KRENZ
Claimant

APPEAL NO. 07A-UI-04977-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MERCY SERVICES IOWA CITY INC.
Employer

OC: 04/15/07 R: 03
Claimant: Respondent (1)

Section 96.5-3-a - Failure to Accept Suitable Work

STATEMENT OF THE CASE:

The employer appealed an unemployment insurance decision dated May 9, 2007, reference 02, that concluded the claimant had voluntarily quit employment with good cause attributable to the employer. A telephone hearing was held on May 31, 2007. The parties were properly notified about the hearing. The claimant participated in the hearing. Bill Watts participated in the hearing on behalf of the employer. The parties stipulated and agreed that the issue of whether the claimant failed to accept an offer of suitable work without good cause could be decided in this case.

ISSUE:

Did the claimant fail to accept an offer of suitable work without good cause?

FINDINGS OF FACT:

The claimant worked full time for the employer from August 23, 2000, to April 13, 2007. The claimant began work as a receptionist. In 2004, the claimant became a medical transcriptionist. This position required special skills and schooling. Although the claimant started working as a medical transcriptionist at the same rate of pay as she received as a receptionist, she received a substantial pay raise after completing a 90-day probationary period.

On April 13, 2007, the claimant was laid off due to lack of work because the employer decided to outsource the medical transcriptionist work. Her rate of pay at the time of the layoff was \$11.20 per hour for 40 hours of work per week. In the medical transcriptionist position, the claimant's hours were flexible and she was permitted to work about 50 percent of her time at home. She worked in alternating schedule of working in the office Monday, Tuesday, and Friday and at home on Wednesday and Thursday one week, and then working at home Monday, Tuesday, and Friday and in the office on Wednesday and Thursday the next week.

On April 20, 2007, the employer offered the claimant a job as a receptionist. The offer was made in an e-mail and also in a letter sent certified mail to the claimant. The employer stated that the claimant would receive the same pay and benefits as she did while she worked as a medical transcriptionist. In the position, the claimant's hours were 8:00 a.m. to 5:00 p.m.,

Monday, Wednesday, Thursday, and Friday; noon to 8:00 p.m. on Tuesday, and every other Saturday from 8:00 a.m. to 4:00 p.m. She was not allowed to work at home.

On April 23, 2007, the claimant declined the receptionist job. She declined the job because the position did not take advantage of her schooling and skills, the hours were inflexible, the job required weekend and evening work, and the job did not allow her to work from home.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant is subject to disqualification for failing to accept an offer of suitable work without good cause.

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....

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.

Under the circumstances of this case, where the claimant had been unemployed for only a week and the position offered to the claimant did not utilize the claimant's occupation skills and education, the job would be considered unsuitable despite the fact that the pay was the same as what she had received previously. The claimant, therefore, had good cause to decline the job.

DECISION:

The unemployment insurance decision dated May 9, 2007, reference 02, is affirmed. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/kjw