

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

DEBRA A VOLNER
2023 – 235TH ST
MT PLEASANT IA 52641

IRIS CITY CLEANERS
ATTN EDWIN S LONGNECKER
211 W WASHINGTON
MT PLEASANT IA 52641

Appeal Number: 05A-UI-03143-CT
OC: 02/13/05 R: 04
Claimant: Respondent (1-R)

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 Work

STATEMENT OF THE CASE:

Iris City Cleaners filed an appeal from a representative's decision dated March 18, 2005, reference 01, which held that no disqualification would be imposed regarding Debra Volner's February 17, 2005 refusal of work. After due notice was issued, a hearing was held by telephone on April 12, 2005. Ms. Volner participated personally. The employer participated by Edwin Longnecker, Owner.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all the evidence in the record, the administrative law judge finds: Ms. Volner began working for Iris City Cleaners on

March 26, 2002 as a full-time delivery driver. She voluntarily quit the employment on November 26, 2004. On January 27, 2005, she returned to work as a part-time delivery driver for 25 to 30 hours each week. She was aware at the time she accepted the part-time employment that there had been changes made in the employee manual. Ms. Volner worked until approximately February 9, 2005 when she again quit the employment.

On February 17, 2005, the employer offered Ms. Volner her former part-time position. The offer was made in writing and delivered to her home. Ms. Volner declined to return to work because of changes made by the owner after her November, 2004, separation. The job remained at 25 to 30 hours per week and paid \$7.30 per hour. Ms. Volner filed a claim for job insurance benefits effective February 13, 2005. The average weekly wage paid to her during that quarter of her base period in which her wages were highest was \$313.08.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether any disqualification should be imposed as a result of Ms. Volner declining the work offered on February 17, 2005. The work was offered during the first week following the filing of her claim for job insurance benefits. As such, the job had to pay at least 100 percent of the average weekly wage paid to her during that quarter of her base period in which her wages were highest. In other words, the job had to pay at least \$313.08 per week in order to be considered suitable work within the meaning of the law. See Iowa Code section 96.5(3)a. The work offered Ms. Volner on February 17 paid only a maximum of \$219.00 per week (30 hours x \$7.30/hour). Therefore, it was not suitable work and no disqualification may be imposed for the refusal.

Ms. Volner has been separated from Iris City Cleaners on at least two occasions, once in November of 2004 and again in February of 2005. Neither separation has been adjudicated by Workforce Development. Therefore, the matter shall be remanded to Claims for an investigation and determination regarding the separations.

DECISION:

The representative's decision dated March 18, 2005, reference 01, is hereby affirmed. No disqualification is imposed regarding Ms. Volner's February 17, 2005 refusal of work as the work offered was not suitable work within the meaning of the law. This matter is remanded to Claims for determinations regarding Ms. Volner's November 26, 2004 and February 9, 2005 separations from Iris City Cleaners.

cfc/sc