

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TIMOTHY D GARRETT
Claimant

APPEAL NO. 10A-UI-02528-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MANPOWER INTERNATIONAL INC
Employer

OC: 01/03/10
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated February 10, 2010, reference 02, that concluded he failed to accept suitable work. A telephone hearing was held on March 26, 2010. The parties were properly notified about the hearing. The claimant participated in the hearing. Chris Grego participated in the hearing on behalf of the employer.

ISSUE:

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

FINDINGS OF FACT:

The claimant filed a new claim for unemployment insurance benefits with an effective date of January 3, 2010. His average weekly wages based on the highest quarter of wages in his base period was \$226.15. His last assignment was working full time as a general laborer for L.E. Meyer at a rate of pay of \$10.50 per hour in Marshalltown, Iowa. The job ended on December 31, 2009.

On January 11, 2010, the employer offered the claimant a full-time job working for PCA, a cardboard manufacturer at a rate of pay of \$9.00 per hour. The job was about 15 miles from the claimant's residence in Conrad, Iowa. The rate of pay is comparable to the going rate of pay for similar work in the area.

The claimant declined the offer of work because the wages was \$1.50 per hour lower than his previous job, and he lacked a dependable vehicle to get to and from work.

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.

The evidence establishes the wage offered was over 100 percent of the claimant's average weekly wage and was otherwise suitable work. The reasons given by the claimant for declining the job do not establish good cause for declining the job.

DECISION:

The unemployment insurance decision dated February 10, 2010, reference 02, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until he has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/pjs