

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JEAN A DAVISON**  
Claimant

**APPEAL NO. 10A-UI-13223-CT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IKON OFFICE SOLUTIONS INC**  
Employer

**OC: 05/23/10**  
**Claimant: Respondent (1)**

Section 96.5(3)a – Refusal of Work

**STATEMENT OF THE CASE:**

Ikon Office Solutions, Inc. (Ikon) filed an appeal from a representative's decision dated September 17, 2010, reference 04, which held that no disqualification would be imposed regarding Jean Davison's August 3, 2010 refusal of work. After due notice was issued, a hearing was held by telephone on November 4, 2010. Ms. Davison participated personally. The employer participated by Laura Bell, Integrated Account Manager, and Lorrie Heimkes, Human Resources Manager. Exhibit One was admitted on the employer's behalf.

**ISSUE:**

At issue in this matter is whether Ms. Davison refused an offer of suitable work.

**FINDINGS OF FACT:**

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: In July of 2010, Ms. Davison applied for work with Ikon. She did not have any employment history with the company. On August 2, she was offered a permanent position as a receptionist and switchboard operator. The job was for 40 hours each week and paid \$11.50 per hour. Ms. Davison declined the work because of the wages and because she was considering another job possibility.

Ms. Davison filed a claim for job insurance benefits effective May 23, 2010. The average weekly wage paid to her during that quarter of her base period in which her wages were highest was \$780.57.

**REASONING AND CONCLUSIONS OF LAW:**

An individual who refuses an offer of suitable work is disqualified from receiving job insurance benefits. Iowa Code section 96.5(3)a. However, before a disqualification is imposed, the evidence must establish that the work was suitable work within the meaning of the law. In the case at hand, the work was offered during the eleventh week after Ms. Davison filed for benefits. As such, the job had to pay at least 75 percent of the average weekly wage paid to her during the high quarter of her base period. In other words, the job had to pay at least

\$585.42 per week to be considered suitable. Since it only paid \$460.00 per week (40 hours x \$11.50/hour), it was not suitable work. Therefore, she cannot be disqualified for refusing the offer.

Because Ms. Davison was never employed by Ikon, its unemployment account is not chargeable for benefits paid to her.

**DECISION:**

The representative's decision dated September 17, 2010, reference 04, is hereby affirmed. Ms. Davison did not refuse an offer of suitable work from Ikon on August 3, 2010. Benefits are allowed, provided she is otherwise eligible.

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Carolyn F. Coleman  
Administrative Law Judge

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Decision Dated and Mailed

cfc/css