

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**RENEE MILLSLAGLE**  
Claimant

**APPEAL NO: 08A-UI-02343-BT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ADVANCE SERVICES INC**  
Employer

**OC: 01/13/08 R: 03**  
**Claimant: Appellant (2)**

Section 96.5-3-a - Refusal of Suitable Work

**STATEMENT OF THE CASE:**

Renee Millslagle (claimant) appealed an unemployment insurance decision dated March 5, 2008, reference 01, which held that she was not eligible for unemployment insurance benefits because she refused to accept suitable work with Advance Services, Inc. (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on March 25, 2008. The claimant participated in the hearing. The employer participated through Susan Gonseth, Branch Manager. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

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

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The employer offered the claimant work on January 21, 2008. The employer only indicated the name of the company but did not provide the rate of pay or any other job details. The claimant knew this particular employer had previously paid \$3.00 less than she had been earning so turned down the job offer.

**REASONING AND CONCLUSIONS OF LAW:**

The issue is whether the claimant should be disqualified for refusing a suitable offer of work and for the following reasons, the administrative law judge concludes she should not.

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.

Although the employer made an offer of work to the claimant, the offer was not complete and did not include specific job details. The employer did not tell the claimant what the job would pay and the claimant could only assume the company to whom she would be assigned would pay what it had in the past, which was less than the rate she had been earning for the last four months. Consequently, the claimant refused the job offer. The administrative law judge concludes the offer of work was not suitable within the meaning of the law. Since the claimant did not refuse a suitable offer of work, she qualifies for unemployment insurance benefits, provided she is otherwise eligible.

**DECISION:**

The unemployment insurance decision dated March 5, 2008, reference 01, is reversed. The claimant did not refuse a suitable offer of work and is qualified for benefits, provided she is otherwise eligible.

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Susan D. Ackerman  
Administrative Law Judge

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Decision Dated and Mailed

sda/pjs