

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**TERESA A RUNKLE**  
Claimant

**SOUTHERN IOWA ECONOMIC  
DEVELOPMENT**  
Employer

**APPEAL 16R-UI-08792-DB-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 04/10/16**  
**Claimant: Appellant (2)**

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Iowa Code § 96.5(3)a – Failure to Accept Work  
Iowa Code § 96.4(3) - Able and Available

**STATEMENT OF THE CASE:**

The claimant/appellant filed an appeal from the June 8, 2016 (reference 02) unemployment insurance decision that found claimant ineligible for benefits based upon a refusal of suitable work with Southern Iowa Economic Development. The parties were properly notified of the hearing. A telephone hearing was held on September 2, 2016. The claimant, Teresa A. Runkle, participated personally. The employer, Southern Iowa Economic Development, participated through Family Support Services Director Rebecca Falck. Claimant's Exhibits A – F were admitted. Administrative notice was taken of the claimant's unemployment insurance benefits file including the fact finding documents.

**ISSUES:**

Was a suitable offer of work made to the claimant?  
If so, did the claimant fail to accept and was the failure to do so for a good cause reason?  
Whether claimant is able to and available for work?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Employer made an offer of work to claimant via email on April 28, 2016. See Exhibit D. The email was from Ms. Falck. That offer included the following terms: a position as a family support worker at \$14.94 per hour for 32 hours per week. No additional hours above and beyond 32 hours per week were available. The hourly rate of \$14.94 is comparable to the prevailing rate of pay for similar work in the Ottumwa, Iowa area. Claimant's average weekly wage is \$322.93. The offer was made in the third week of unemployment.

Claimant received another offer of work with Anthem, which she accepted on April 26, 2016. See Exhibit C. Claimant accepted work with Anthem as a full-time employee working 40 hours per week at the hourly rate of \$24.04. Claimant rejected the offer of work from this employer because she had already accepted an offer of work from Anthem.

Claimant was scheduled to begin working for Anthem on May 1, 2016. Claimant was able to and available for work with Anthem on May 1, 2016; however, Anthem did not have the necessary documentation in place for claimant to begin on this date and Anthem moved her start date to May 16, 2016. Claimant has been employed with Anthem since May 16, 2016.

### **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant failed to accept a suitable offer of work but had a good cause reason for the failure to accept it because she already accepted work with Anthem as a full-time employee. Benefits are allowed.

Iowa Code § 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. (1) 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:

(a) One hundred percent, if the work is offered during the first five weeks of unemployment.

b) Seventy-five percent, if the work is offered during the sixth through the twelfth week of unemployment.

(c) Seventy percent, if the work is offered during the thirteenth through the eighteenth week of unemployment.

(d) Sixty-five percent, if the work is offered after the eighteenth week of unemployment.

(2) However, the provisions of this paragraph shall not require an individual to accept employment below the federal minimum wage.

Iowa Code § 96.4(3) provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

3. The individual is able to work, is available for work, and is earnestly and actively seeking work. This subsection is waived if the individual is deemed partially unemployed, while employed at the individual's regular job, as defined in § 96.19, subsection 38, paragraph "b", subparagraph 1, or temporarily unemployed as defined in § 96.19, subsection 38, paragraph "c". The work search requirements of this subsection and the disqualification requirement for failure to apply for, or to accept suitable work of § 96.5, subsection 3 are waived if the individual is not disqualified for benefits under § 96.5, subsection 1, paragraph "h".

The offer was suitable but claimant did have a good cause reason for the failure to accept it as she had already accepted other and better employment with Anthem. Her start date with Anthem was moved from May 1, 2016 to May 16, 2016 based on this employer's unilateral decision. Claimant was able to and available for work between May 1, 2016 and May 14, 2016. Therefore, the claimant is not disqualified from receiving benefits, benefits are allowed.

**DECISION:**

The June 8, 2016, (reference 02) unemployment insurance decision is reversed. Claimant had a good cause reason for refusing the suitable offer of work. Benefits are allowed, provided claimant is otherwise eligible.

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Dawn Boucher  
Administrative Law Judge

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Decision Dated and Mailed

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