

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

SARAH J WILSON
4045 – 41ST ST
DES MOINES IA 50310 2815

FOODS INC
4343 MERLE HAY RD
DES MOINES IA 50310

Appeal Number: 06A-UI-02805-DWT
OC: 08/07/05 R: 02
Claimant: Appellant (1)

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 Offer of Suitable Work

STATEMENT OF THE CASE:

Sarah J. Wilson (claimant) appealed a representative's February 20, 2006 decision (reference 03) that concluded she was not qualified to receive unemployment insurance benefits as of February 1, 2006, because she declined Foods, Inc. (employer) offer of suitable work. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on April 13, 2006. The claimant participated in the hearing. Jim Martin, the store director, appeared on the employer's behalf. 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:

Did the claimant refuse an offer of suitable work with good cause?

FINDINGS OF FACT:

The claimant established a claim for unemployment insurance benefits during the week of August 7, 2005. The claimant has not worked since early August 2005. When the claimant worked in early August, she worked as a baker and pastry chef. The claimant earned \$12.37 per hour in early August 2005. The claimant's average weekly wage in the highest quarter of her base period was \$463.74.

In late January 2006, Martin interviewed the claimant to work as a baker and pastry chef for the employer. On February 1, 2006, the employer offered the claimant a full-time job as a baker and pastry chef. The employer agreed to pay the claimant \$11.00 an hour. After six months to a year, there was a possibility the employer would increase the claimant's wages to \$12.00 an hour. The claimant was to start immediately.

On February 1, 2006, the claimant declined the employer's offer of work because the employer's offered wage was too low. The claimant wanted \$12.00 an hour.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she refused an offer of suitable work without good cause. Iowa Code § 96.5-3-a. One factor that must be considered when deciding whether the work offered is suitable is the wage offered. When a claimant has been unemployed for 18 or more weeks, 65 percent of the claimant's average weekly wage based on her highest quarter of wages is considered suitable employment for unemployment insurance purposes. Iowa Code § 96.5-3-a.

Based on Iowa Code § 96.5-3-a, the employer's offer of work was suitable for the claimant. Since the claimant has not worked for over 18 weeks, the law indicates a job that would have paid her a minimum of \$8.04 is considered suitable. In this case the employer offered the claimant 86 percent of her last hourly wage and about 95 percent of her highest average weekly wage. The claimant established personal reasons for declining the employer's offer of work on February 1, 2006, but the claimant declined the employer's offer of work without good cause for unemployment insurance purposes. Therefore, as of January 29, 2006, the claimant is not qualified to receive unemployment insurance benefits.

DECISION:

The representative's February 20, 2006 decision (reference 03) is affirmed. The claimant declined the employer's offer of suitable work for reasons that do not constitute good cause for unemployment insurance purposes. The claimant is disqualified from receiving unemployment insurance benefits as of January 29, 2006. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible.

dlw/kkf