

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

REBECCA S LAMBERTSEN  
2737 NIAGRA TRL  
LOGAN IA 51546

RATH INC  
206 E ERIE ST  
MISSOURI VALLEY IA 51555-1533

Appeal Number: 05A-UI-07055-SWT  
OC: 06/12/05 R: 01  
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, 4<sup>th</sup> 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.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5-3-a - Failure to Accept Suitable Work  
Section 96.4-3 - Able to and Available for Work

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated June 30, 2005, reference 04, that concluded she failed to accept an offer of suitable work without good cause. A telephone hearing was held on July 27, 2005. The parties were properly notified about the hearing. The claimant participated in the hearing. Katie Wessinger participated in the hearing on behalf of the employer.

FINDINGS OF FACT:

The claimant worked part time for the employer as a desk clerk at the employer's Days Inn motel from February 3 to June 12, 2005. In early June 2005, the claimant informed the general manager that she would be leaving to join the Air Force in July 2005. Later, the claimant found out from the recruiter that it would not be until the end of August that she would be entering the

Air Force. She called the general manager and informed her that she would not be leaving until the end of August and wanted to work up until that time. The general manager did not say anything about her not being able to work up until the time she left.

On June 13, 2005, the general manager called the claimant and informed her that she had found a replacement for her and he needed to start work right way. The claimant asked what that meant and the general manager stated that she no longer had a job. The claimant filed for unemployment insurance benefits and began looking for a job.

On June 14, 2005, the general manager called claimant and told her that if she wanted the job back, she could have it. The claimant declined the job because she no longer trusted the employer after she had been terminated and was concerned about her job stability. The employer would have allowed the claimant to work up until the time that she left to join the Air Force.

#### 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.

In this case, the claimant was offered her old job back at the same rate of pay and same hours as she had previously worked. There is no evidence that the employer would not have followed through on its offer to provide work to the claimant up until the claimant was ready to enter the military. The claimant's subjective misgivings about the general manager's actions the day before are not enough to establish good cause for rejecting the job offer.

DECISION:

The unemployment insurance decision dated June 30, 2005, reference 04, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until she has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

saw/kjw