

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

ANTHONY MCCLINTON
Claimant

SEDONA STAFFING INC
Employer

APPEAL 22A-UI-08070-JD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 02/06/22
Claimant: Respondent (2)**

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

STATEMENT OF THE CASE:

On March 28, 2022, Sedona Staffing, Inc., (employer/appellant) filed an appeal from the March 21, 2022, reference 04, unemployment insurance decision that concluded claimant did not accept a suitable offer of work but was unable to accept work due to short notice and benefits were allowed. A telephone hearing was held at on May 13, 2022 pursuant to due notice. The claimant, Anthony McClinton did not participate. The employer Sedona Staffing, Inc., participated through Colleen McGuinty, Unemployment Benefits Administrator. The administrative law judge took official notice of the administrative record.

ISSUE:

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?

FINDINGS OF FACT:

Having reviewed the evidence in the record, the administrative law judge finds: Claimant began working for employer in 2021. Claimant has worked on eleven different job assignment since his hire date. Claimant refused an offer of work for Klauer Manufacturer on March 8, 2022. Claimant was not able to work on March 8, 2022, but he did work from March 10-16, 2022, for the employer.

Claimant has not filed for or received any unemployment compensation benefits since his original claim date of February 6, 2022.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant did not fail to accept a suitable offer of work as he began working the assignment the following day. Claimant is not able to or available for work for the two-week period ending March 19, 2022, due to his temporary employment assignment.

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.

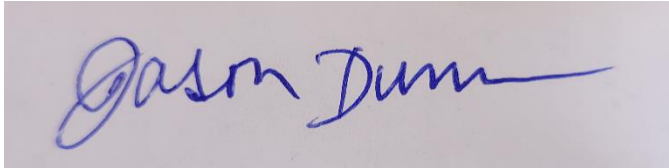
(2) However, the provisions of this paragraph shall not require an individual to accept employment below the federal minimum wage.

The claimant actually worked the proffered assignment from March 10-16, 2022, so although he did not refuse a suitable offer of work he is not able and available for the week in question. The claimant has not filed for or received any unemployment since his original claims date of February 6, 2022.

DECISION:

The March 21, 2022, reference 04, unemployment insurance decision is reversed. The claimant started the job assignment on March 10-16, 2022, and was not able to and available for work for the two-week ending March 19, 2022. Benefits are denied for that time period.

Claimant has not filed for or received any unemployment insurance benefits since his original claims date of February 6, 2022.



Jason Dunn
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June 17, 2022
Decision Dated and Mailed

jd/mh