

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**RICHARD M OLSON**  
Claimant

**TEMP ASSOCIATES-IOWA INC**  
Employer

**APPEAL 17A-UI-13059-H2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 05/14/17  
Claimant: Respondent (1)**

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Iowa Code §96.5(3)a – Work Refusal

**STATEMENT OF THE CASE:**

The employer filed an appeal from the December 15, 2017, (reference 03) unemployment insurance decision that allowed benefits. The parties were properly notified about the hearing. A telephone hearing was held on January 10, 2018. Claimant did not participate. Employer participated through Jane Brown, Account Manager. Employer's Exhibit 1 was entered into the record.

**ISSUE:**

Did the claimant refuse a suitable offer of work?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: On November 17, 2017, the employer offered claimant a new job assignment working at Fulton Corporation full time, first shift for \$10.00 per hour. Claimant turned down the job because it was too little pay for the distance he would be required to drive.

Also on November 17, he was offered the ability to apply for a full time forklift operator position at the Family Dollar distribution center. The job was second shift (7:30 p.m. to 5:30 a.m.) at \$12.25 per hour. No actual job offer was made to the claimant; the employer just asked him if he wanted to be considered for the position.

The claimant's average weekly wage is \$656.92. Both offers were made to claimant during the seventh week of his unemployment.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes claimant did not refuse a suitable offer of work.

Iowa Code section 96.5(3)a provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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 Admin. Code r. 871-24.24(1)a provides:

(1) Bona fide offer of work.

a. In deciding whether or not a claimant failed to accept suitable work, or failed to apply for suitable work, it must first be established that a bona fide offer of work was made to the individual by personal contact or that a referral was offered to the claimant by personal contact to an actual job opening and a definite refusal was made by the individual. For purposes of a recall to work, a registered letter shall be deemed to be sufficient as a personal contact.

Both of the offers were unsuitable, as they did not meet the minimum wage requirements set out above for an offer to be considered suitable. Each job had to pay at least \$492.69 per week. One offer paid \$400.00 per week and the other paid \$490.00 per week. Benefits are allowed.

**DECISION:**

The December 15, 2017, (reference 03), decision is affirmed. Claimant did not refuse a suitable offer of work. Benefits are allowed, provided claimant is otherwise eligible.

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Teresa K. Hillary  
Administrative Law Judge

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Decision Dated and Mailed

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