

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

PAUL G PETERSEN
Claimant

APPEAL NO: 12A-UI-10508-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

AURSTAFF
Employer

OC: 10/02/11
Claimant: Respondent (1)

Iowa Code § 96.5(3)a – Refusal of Offer of Suitable Work

PROCEDURAL STATEMENT OF THE CASE:

The employer appealed a representative's August 20, 2012 determination (reference 05) that did not disqualify the claimant from receiving benefits even though he did not accept the employer's July 26, 2012 offer of work. The claimant did not respond to the hearing notice or participate in the hearing. Stephanie Novak, the employer's operations manager, appeared on the employer's behalf. Based on the evidence, the employer's arguments, and the law, the administrative law judge concludes the claimant is not disqualified from declining the employer's July 26 offer of work.

ISSUE:

Did the claimant decline an offer of suitable work?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of October 2, 2011. His average weekly wage in the highest quarter of his base period for this claim year is \$663.50.

On July 23, the claimant interviewed for a job. On July 25, the employer informed the claimant he was hired for the job he had interviewed for on July 23. The claimant accepted this job, but it did not begin until August 6, 2012. The employer understood the claimant did not participate at the hearing because he was working at this job.

On July 26, the employer offered the claimant a job that was to start that day and he could potentially work at this job until August 6, 2012. The job was for 40 hours a week and began immediately. This job paid \$9.00 an hour. The claimant declined this job.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he declines an offer of suitable work without good cause. Iowa Code § 96.5(3)a. One of the factors that must be considered when determining if the job offered is suitable is the hourly wage and the length of time a claimant has been unemployed. When a claimant has been unemployed for 18 weeks or

more, the wages offered must equal 65 percent of the claimant's average weekly wage in the highest quarter of his base period. Iowa Code § 96.5(3)a(4). To satisfy the law, a suitable job had to pay the claimant \$10.78 an hour. In accordance with the statute, the job the employer offered the claimant was not suitable. It only paid him \$9.00 an hour. Therefore, the claimant remains qualified to receive benefits as of July 26, 2012. The claimant has not filed any weekly claims since late March 2012.

DECISION:

The representative's August 20, 2012 determination (reference 05) is affirmed. The claimant is not disqualified from receiving benefits as of July 26 because the job the employer offered him was not suitable – the wages the employer would pay him for the offered job was less than 65 percent of the claimant's average weekly wage in the highest quarter of his base period. The claimant remains qualified to receive benefits as of July 26, 2012.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css