

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

DEBRA M THOMAS
303 –7TH AVE SE
BELMOND IA 50421

IOWA MOLD TOOLING CO INC
500 HWY 18 W
PO BOX 189
GARNER IA 50438

Appeal Number: 05A-UI-06396-H2T
OC: 07-04-04 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, 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)

Iowa Code §96.5(3)a – Work Refusal

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the June 8, 2005, reference 02, decision that denied benefits. After due notice was issued, a hearing was held on July 6, 2005. The claimant did participate. The employer did participate through Rhonda Krause, Human Resources Manager. Claimant's Exhibit A was received.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The employer made an offer of work to claimant first on April 14, 2005 via letter. That offer included the following terms: work as a welder from Monday through Thursday from 3:30 p.m. until 2:00 a.m. at \$13.37 per hour for 40 hours per week. The pay was above the claimant's

average weekly wage. Claimant declined the offer because she did not respond to the employer that she was able to and available for the shift by April 19, 2005. The employer extended the time for the claimant to respond to the offer on April 27. The claimant was again given until April 29, 2005 to respond to the offer. The claimant provided a note from her physician that indicated that she had a medical condition, asthma, that could be made worse by welding. The claimant was specifically asked by the employer to provide permission from her physician for her to accept the welding job. The claimant never provided the required documentation despite the employer's repeated extension of the deadline for her to comply. The claimant's argument that she did not know what information the employer needed is disingenuous at best based on the clear letters from the employer which spell out exactly what information they were seeking. After the claimant failed to adequately respond to the extension of April 29, the employer again extended the acceptance deadline on May 4 until May 11. Again the claimant failed to get back to the employer with a response. The employer cannot be expected to hold the job offer open for the claimant indefinitely.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant did refuse a suitable offer of work.

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. 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. 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.

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

At hearing the claimant admitted that she was able to do the job but was unable to explain why she had not provided the employer with the medical information they requested. The claimant agreed at hearing that the shift, work and money were acceptable to her, yet she could not articulate why she never told the employer she accepted the job. The offer was suitable and the claimant did not have a good-cause reason for the refusal. Benefits are denied.

DECISION:

The June 8, 2005, reference 02, decision is affirmed. Claimant did refuse a suitable offer of work. Benefits are withheld until such time as the claimant works in and has been paid wages equal to ten times her weekly benefit amount, provided she is otherwise eligible.

tkh/pjs