

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**TERRY S KRONICK**  
Claimant

**IOWA HEART CENTER PC**  
Employer

**APPEAL 15A-UI-05001-H2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 01/04/15  
Claimant: Appellant (2)**

Iowa Code § 96.5(3)a – Work Refusal

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the April 21, 2015, (reference 01) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on June 4, 2015. Claimant participated. Employer did not participate.

**ISSUE:**

Was the claimant able to and available for work and did she refuse a suitable offer of work?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was offered a job working in the call center scheduling at the Iowa Heart Center. The job paid \$14.11 per hour for full-time work Monday through Friday. The job would have required the claimant sit in a room with four other employees and spend all of her time scheduling appointments on the telephone all day long. The dress code required employees wear only red, black, white or khaki colored clothing. Since the claimant had no medical background, she was told that there would not be any chance for her to advance in the company.

At the time the claimant turned down the offer on April 1, she had three additional job interviews scheduled, at least one of which offered more money per hour with better work benefits. The claimant's background was in sales and management and she was used to face-to-face customer interactions. The offered job was approximately ten thousand dollars less per year than the claimant had been making during her previous employment.

**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 § 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.

More goes into the evaluation of suitability of job offer than mere salary or hourly wages. The claimant would have no chance to advance in this position and would not have been performing work that was in line with her background and training. After considering the totality of all of the elements of the job, the administrative law judge concludes it was unsuitable. The claimant did not refuse a suitable offer of work, thus benefits will not be denied.

**DECISION:**

The April 21, 2015, reference 01, decision is reversed. 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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