

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

STEVE W CROW

Claimant

APPEAL NO: 14A-UI-12574-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MIDWEST PROFESSIONAL STAFFING LLC

Employer

OC: 07/06/14

Claimant: Respondent (2)

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

Iowa Code § 96.3(7) – Overpayment of Benefits

PROFESSIONAL STATEMENT OF THE CASE:

The employer appealed a representative's November 24, 2014 determination (reference 02) that held the claimant eligible to receive benefits because the employer did not offer him work on September 22, 2014. The claimant participated at the January 14 hearing. Kelli Palazo, a staffing accountant, and Cyndi Mahlstadt appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits as of September 22, 2014.

ISSUES:

Did the employer offer the claimant a suitable job?

Did the claimant refuse the employer's offer of suitable work without good cause?

Has the claimant been overpaid benefits?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of July 6, 2014. The employer talked to the claimant on September 11, 2014, about a research job at Guide One. The employer offered the claimant the job and would pay him \$13 an hour. The employer expected the job to last until the end of the year. The claimant wanted to think about the job offer overnight. The next day, September 12, the claimant accepted the job. The employer informed the claimant the job would start on September 22.

Late on Friday, September 19, the claimant learned he had interviews for a job as a salesperson. The claimant decided then he wanted to pursue sales jobs instead of the job he had accepted at Guide One. When the claimant did not report to work on September 22, the employer called him. The employer then learned the claimant declined the work at Guide One because he decided to pursue a job in sales instead.

The claimant went to an interview later that week. The claimant did not get hired until mid or late-December 2014. He filed claims for the weeks ending September 27 through November 15, 2014. He received his maximum weekly benefit amount of \$352 for each week with the exception of the week ending November 15. For the week ending November 15, the claimant received a gross benefit payment of \$330.28.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he refuses an offer of suitable work without good cause. Iowa Code § 96.5(3)a. The employer offered the claimant suitable work. Initially, the claimant accepted the job at Guide One, but later decided he wanted to pursue work as a sales person. Since the job at Guide One was suitable for the claimant, he had to establish good cause for declining it to remain eligible to receive benefits. The claimant established personal reasons for declining the job at Guide One, but his reasons do not amount to good cause. As of September 21, 2014, the claimant is not qualified to receive benefits.

If an individual receives benefits he is not legally entitled to receive, the Department shall recover the benefits even if the individual acted in good faith and is not at fault in receiving the overpayment. Iowa Code § 96.3(7). Based on this decision, the claimant has been overpaid \$2794.28 in benefits he received for the weeks ending September 27 through November 15, 2014.

DECISION:

The representative's November 24, 2014 determination (reference 02) is reversed. The employer offered the claimant a suitable job, which he initially accepted. Later the claimant declined this job offer after he decided to pursue another line of work. While the claimant had personal reasons to decline the employer's offer of work, he did not establish good cause. As of September 21, 2014, the claimant is not qualified to receive unemployment insurance benefits. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible.

Based on this decision, the claimant has been overpaid \$2794.38 in benefits he received for the weeks ending September 27 through November 15, 2014. The claimant is required to pay back this amount.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs