

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

THOMAS K BLACK  
1534 – 29<sup>TH</sup> ST  
DES MOINES IA 50311

PALMER COMPANIES INC  
PALMER STAFFING  
3737 WOODLAND AVE #300  
WEST DES MOINES IA 50266

Appeal Number: 04A-UI-11459-DWT  
OC: 10/03/04 R: 02  
Claimant: Respondent (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, 4<sup>th</sup> 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 are 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.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5-3-a – Refusal of Offer of Suitable Work

STATEMENT OF THE CASE:

Palmer Companies, Inc. (employer) appealed a representative's October 21, 2004 decision (reference 03) that concluded Thomas K. Black (claimant) was qualified to receive unemployment insurance benefits even though he declined an offer of work from the employer on October 12, 2004. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on December 6, 2004. The claimant did not participate in the hearing, but his wife, Lisa Black, appeared on his behalf. Tammy Sanders, a staffing manager, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Should the claimant be disqualified from receiving unemployment insurance benefits after he declined an offer of work on October 12, 2004?

FINDINGS OF FACT:

The claimant registered to work for the employer's clients on April 17, 2004. The claimant indicated he was interested in doing light industrial work. The employer assigned the claimant to a job on April 26, 2004. This job paid the claimant \$13.00 an hour. The claimant's last day of work for the employer was October 1, 2004.

The claimant established a claim for unemployment insurance benefits during the week of October 3, 2004. The claimant's weekly wage during the highest quarter in his base period is \$492.32.

On October 12, 2004, the employer offered the claimant a temporary job at a warehouse that was to start the next day. This job paid \$10.00 an hour and was a long-term assignment. The claimant declined the offer because he had earned \$13.00 an hour at a previous job assignment and considered this hourly wage too low.

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. A factor that must be considered is whether the work offered during the first five weeks of unemployment is equal to 100 percent of the claimant's average weekly wage he earned during the highest quarter of his base period. Iowa Code §96.5-3-a(1). Based on the claimant's average weekly wage in his highest quarter, the claimant earned \$12.00 an hour. Since the job the employer offered only paid \$10.00 an hour, the claimant had good cause to decline the employer's October 12, 2004 offer of work.

DECISION:

The representative's October 21, 2004 decision (reference 03) is affirmed. The claimant declined an offer of work with good cause because the job did not pay the claimant 100 percent of the weekly wage he earned in his highest quarter or \$12.00 an hour. Even though the claimant is not disqualified from receiving benefits based on this issue, as of October 3, 2004, the claimant is not qualified to receive unemployment insurance benefits based on the decision in appeal 04A-UI-11528-DWT.

dlw/smc