

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**SHARON BROCKMANN**  
Claimant

**CHRISTIAN PRINTERS INC**  
Employer

**APPEAL 18A-UI-05676-LJ-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 03/18/18**  
**Claimant: Respondent (2)**

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Iowa Code § 96.5(3)a – Failure to Accept Work

**STATEMENT OF THE CASE:**

The employer filed an appeal from the May 17, 2018, (reference 03) unemployment insurance decision that allowed benefits based upon a determination that no offer of work was actually made and therefore claimant did not refuse an offer of work. After due notice was issued, a telephone conference hearing was held on June 8, 2018. Claimant Sharon Brockmann participated. Employer Christian Printers, Inc., participated through Steve Hews, Vice President; and Jefferey Green, In-House Counsel, represented the employer. Employer's Exhibit 1 was received and admitted into the record without objection. The administrative law judge took official notice of the administrative record and the fact-finding documentation.

**ISSUES:**

Was a suitable offer of work made to the claimant?

If so, did the claimant fail to accept and was the failure to do so for a good cause reason?

**FINDINGS OF FACT:**

Having heard the testimony and having reviewed the evidence in the record, the administrative law judge finds: Claimant separated from employment with this employer on March 20, 2018, when her department was reorganized and she was laid off due to a lack of work. On April 12, 2018, both Hews and claimant's former manager, Trent, reached out to her about the opportunity to return to work. Claimant responded to Trent and said she appreciated the offer but was not interested. One week later, Hews followed up via text message to ask claimant if she was planning to return to work. Then, the parties had a fact-finding interview and the employer reiterated its job offer. Specifically, claimant was told she could return to her previous position with a twenty-five cent per hour raise above what she earned at the time of separation. The employer followed up with a text message confirming this offer. (Exhibit 1) Claimant declined this offer, stating she was skeptical about the employer's persistence in offering her the opportunity to return to work.

### REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant failed to accept a suitable offer of work as of April 27, 2018.

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. (1) 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:

(a) One hundred percent, if the work is offered during the first five weeks of unemployment.

(b) Seventy-five percent, if the work is offered during the sixth through the twelfth week of unemployment.

(c) Seventy percent, if the work is offered during the thirteenth through the eighteenth week of unemployment.

(d) Sixty-five percent, if the work is offered after the eighteenth week of unemployment.

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

Iowa Admin. Code r. 871-24.24(1)a provides:

(1) Bona fide offer of work.

a. In deciding whether or not a claimant failed to accept suitable work, or failed to apply for suitable work, it must first be established that a bona fide offer of work was made to

the individual by personal contact or that a referral was offered to the claimant by personal contact to an actual job opening and a definite refusal was made by the individual. For purposes of a recall to work, a registered letter shall be deemed to be sufficient as a personal contact.

Iowa Admin. Code r. 871-24.24(14)(a)(b) provides:

Failure to accept work and failure to apply for suitable work. Failure to accept work and failure to apply for suitable work shall be removed when the individual shall have worked in (except in back pay awards) and been paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

(14) Employment offer from former employer.

a. The claimant shall be disqualified for a refusal of work with a former employer if the work offered is reasonably suitable and comparable and is within the purview of the usual occupation of the claimant. The provisions of Iowa Code section 96.5(3)"b" are controlling in the determination of suitability of work.

Here, the employer extended claimant an offer to return to work on April 27, 2018. The offer was suitable, as it was the opportunity for claimant to return to her former position at a higher hourly rate than she earned previously. Claimant has not presented any good cause for refusing to accept the offer of work. It appears claimant simply does not want to return to work for her former employer. This is not a good cause reason for refusing the offer of work. Benefits are withheld for the week effective the week ending April 28, 2018.

**DECISION:**

The May 17, 2018, (reference 03) unemployment insurance decision is reversed. Claimant failed to accept 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.

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Elizabeth A. Johnson  
Administrative Law Judge

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Decision Dated and Mailed

lj/scn