

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LORI J PERKINS
Claimant

APPEAL NO: 12A-UI-00805-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CNE LTD
Employer

**OC: 11/13/11
Claimant: Respondent (5)**

Iowa Code § 96.4(3) – Available for Work
Iowa Code § 96.5(3)a – Refusal of Suitable Offer of Work

PROCEDURAL STATEMENT OF THE CASE:

The employer appealed a representative's January 19, 2012 determination (reference 01) that held the claimant qualified to receive benefits because the employer had not offered her a job. The claimant participated at the hearing. Jessica Koenig, the staffing manager and one of the owners, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge finds the claimant qualified to receive benefits.

ISSUE:

Did the claimant decline the employer's suitable offer of work?

FINDINGS OF FACT:

The claimant registered to work with the employer, a staffing firm, and worked with Alex in an attempt to find another job. The claimant established a claim for benefits during the week of November 13, 2011.

The claimant has experience as a legal assistant. The claimant has not worked for the employer, registered with the employer to find a job. Alex set up interviews for the claimant. In early December, Alex sent up an interview for the claimant with a law firm. When the claimant went to the interview, she understood the job was for a legal assistant. After the claimant interviewed in early December, she interviewed with a title service company. This client wanted someone to complete real estate closings. The claimant did not have any experience with real estate closings. The interviewer agreed she was not qualified for this job. The claimant learned the law firm that was associated with the title services company could have a position in March. The claimant learned the job with the title services company paid \$12 an hour.

When the claimant talked to Alex on December 9, she told Alex the job she had interviewed for was not for a legal assistant. The claimant also told Alex that she was not qualified to do the job this client needed done. Finally, the claimant informed Alex that she had been told the job was only for two to four weeks. Since the claimant did not know how a two to four-week temporary job would affect her unemployment insurance benefits, she contacted her local Workforce office.

After talking to a representative, the claimant called the employer and told the receptionist to remove the claimant's name because she did not want to be contacted about anymore jobs the employer wanted to refer to her. The claimant was not satisfied with the jobs Alex had set up interviews for her.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she refused an offer of suitable work without good cause. Iowa Code § 96.5(3)a. Before a claimant can be disqualified from receiving benefits based on a work offer, she must be able to and available for work. 871 IAC 24.24(4). Even though the claimant initially planned to go to Colorado for her son's surgery the week of December 12, she did not go. The evidence establishes the claimant was able to and available for work.

Koenig relied on Alex's report and did not have any firsthand knowledge about the claimant's interview or conversations she had with Alex the week of December 5. The claimant's testimony is credible and must be given more weight than the employer's reliance on unsupported hearsay information from an employee who did not participate at the hearing. Based on the claimant's testimony, the work the employer offered her was in an area, real estate closing, that the claimant was not qualified to do. The claimant had no understanding Alex offered her a legal assistant, temp-to-hire job with a law firm. If the claimant had been offered this job, she would have accepted. Based on the evidence presented during the hearing, the work the employer offered the claimant, real estate closings, was not suitable for the claimant because she did not have experience in this area and was not qualified to do this job. Therefore, the claimant remains qualified to receive benefits as of December 4, 2011.

DECISION:

The representative's January 19, 2012 determination (reference 01) is modified, but the modification has no legal consequence. The claimant was able to and available to work when the employer offered the claimant a job. The job the employer offered was not suitable for the claimant because she was not qualified to do the job. Therefore, as of December 4, 2011, the claimant remains qualified to receive benefits.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs