

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TIM J BLASDELL
Claimant

APPEAL NO. 10A-UI-01710-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CHENHALL'S STAFFING SERVICES INC
Employer

OC: 10/04/09
Claimant: Appellant (1)

Section 96.5-3-a - Failure to Accept Suitable Work

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated January 28, 2010, reference 03, that concluded he failed to accept suitable work. A telephone hearing was held on March 11, 2010. The parties were properly notified about the hearing. The claimant participated in the hearing. Mike Gowdy participated in the hearing on behalf of the employer.

ISSUE:

Did the claimant fail to accept an offer of suitable work without good cause?

FINDINGS OF FACT:

The claimant filed a new claim for unemployment insurance benefits with an effective date of October 4, 2009. His average weekly wage in his high quarter of wages was \$306.82.

On November 30, 2009, the claimant was offered a 40-hour-per-week job at a rate of pay of \$8.00 per hour working at Dexton Pallet. The pay is comparable to the going rate of pay for similar work in the area.

The claimant initially said he was accepting the job, but then failed to report to work on December 1, 2009. He refused the work because he was upset about the employer protesting his unemployment claim.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant is subject to disqualification for failing to accept an offer of suitable work without good cause.

Iowa Code section 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....

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.

The claimant refused suitable work without good cause and is disqualified effective November 29, 2009. The pay offered would have been \$320.00, which would have been suitable work under Iowa Code section 96.5-3-a.

DECISION:

The unemployment insurance decision dated January 28, 2010, reference 03, is affirmed. The claimant is disqualified from receiving unemployment insurance benefits until he has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/pjs