



STATE OF OHIO
UNEMPLOYMENT COMPENSATION
REVIEW COMMISSION
145 SOUTH FRONT STREET P.O. BOX 182299
COLUMBUS, OHIO 43218-2299

R01-14456-0000
UT INTRASTATE
NOV 10 2001
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DECISION

In re claim of:

[REDACTED]

APPELLANT

Claimant Representative:
ARLENE HOWARD PARALEGAL
SOUTHEASTERN OHIO LEGAL SERVICES
OHIO STATE LEGAL SERVICE ASSN
406 ADAMS STREET
STEUBENVILLE, OH 43952

Social Security No. [REDACTED]
L.O. 685-0

Employer:
HARRISON COUNTY AUDITOR
HARRISON COUNTY CT HOUSE
100 W MARKET
CADIZ, OH 43907

UCO No. -0802134000-

COPY

CASE HISTORY

On July 30, 2001, claimant filed an application for determination of benefit rights with a benefit year beginning July 29, 2001. She filed a first claim for the week ending August 4, 2001.

On August 14, 2001, the Director issued an initial determination holding that Harrison County separated claimant due to lack of work. The decision imposed no disqualification for benefits because of the separation but it further held that claimant refused an offer of suitable work with Harrison County Auditor without good cause. Accordingly, the decision suspended benefit rights until she works in six weeks of covered employment, earns \$1,014.00 or more, and is otherwise eligible. The claim for the week ending August 4, 2001, was disallowed.

On September 4, 2001, claimant filed a timely appeal. On September 19, 2001, the Director issued a redetermination affirming the earlier decision.

On October 9, 2001, claimant filed another timely appeal. On October 18, 2001, the Director transferred jurisdiction of this appeal to the Unemployment Compensation Review Commission in accordance with Ohio Revised Code Section 4141.28(G).

On November 8, 2001, Hearing Officer Denis J. Bowshier held a hearing by telephone. Arlene Howard, Paralegal, represented claimant who appeared and offered her testimony. Harrison County Auditor did not appear for the hearing.



FINDINGS OF FACT

Harrison County employed claimant as an account clerk from August 1, 1992, through July 27, 2001. She worked in an emergency management division and performed various clerical duties.

On or about July 18, 2001, Harrison County notified claimant that her position as an account clerk was being eliminated due to a reduction in force. The reduction became effective on July 27, 2001, and claimant became separated due to lack of work at that time.

On or about July 18, 2001, Harrison County offered claimant a part-time position as a file clerk. The employer notified claimant about the title of the position and the fact that it would be part-time. The employer did not notify claimant about the rate of pay she would receive or the job duties that she would perform.

While employed as an account clerk, claimant was a full-time employee. As a full-time employee, she received benefits. This included hospitalization and life insurance.

The offered position as a file clerk was for only sixteen hours per week. In order to qualify for benefits, an employee of Harrison County must work at least thirty-two hours per week.

Claimant refused the offered work as a file clerk.

ISSUE 1

Did Harrison County Auditor separate claimant due to lack of work?

LAW

-Ohio Revised Code Section 4141.29, provides in part, as follows:

Each eligible individual shall receive benefits as compensation for loss of remuneration due to involuntary, total or partial unemployment in the amounts and subject to the conditions stipulated in this chapter.

REASONING

The evidence demonstrates that Harrison County eliminated claimant's position as an account clerk in order to achieve a reduction in force. Therefore, the Hearing Officer concludes that Harrison County Auditor separated claimant due to lack of work.



ISSUE 2

Did claimant refuse an offer of suitable work without good cause?

LAW

An individual is not eligible for benefits if the individual has refused without good cause to accept an offer 'of suitable- work' or has refused or failed to investigate a referral to suitable work made by a local 'employment office. The individual will remain ineligible ,i. until the individual obtains another job covered by an unemployment compensation law, works six'weeks, 'and earns at least \$1014.00. 4141.29 (D) (2) (b) and 4141.29 (G) O.R.C.

REASONING

There has been no credible showing that claimant refused an offer of suitable work. In fact, no complete offer of work was made to claimant. Harrison County did not notify her about the required job duties or the rate of pay. Claimant could hardly be expected to make a reasoned decision about the offer without having all relevant details. In addition, the evidence demonstrates that the offered position was, part-time in nature and claimant would not have been eligible for benefits that she previously received while working full-time for this same employer.

The suitability of offered work operates in a sliding scale. When an employee first become unemployed, she is free to seek other employment that is comparable to her prior position. As the length of her unemployment increases, she must widen her search to include work that might not have been suitable at the outset. Applying this formula to the present case demonstrates that claimant had no idea what the required'job duties were or what the rate of pay may have been. In addition, the offered work was only part-time and claimant would have lost all fringe benefits that she previously enjoyed. Since the work was offered to claimant at or near the time that she became unemployed, she was free to refuse this work and seek another position that was similar to her previous work. Consequently, the Hearing Officer concludes that claimant did not refuse an offer of suitable work without good cause.

DECISION

The* Director's redetermination, mailed September 19, 2001, is hereby modified. Harrison County Auditor separated claimant due to lack of work. This separation imposes no disqualification for benefits.



Harrison County Auditor offered work to claimant. The offered work was not suitable and claimant had good cause to refuse it. Accordingly, claimant's refusal was not disqualifying and the suspension of benefit rights previously imposed, is removed. The claim for the week ending August 4, 2001, is allowed.

Denis J. Bowshier, Hearing Officer

DJB/pah

APPEAL RIGHTS

This decision is mailed on November 9, 2001.

A Request for Review before the U.C. Review Commission may be filed by any interested party within twenty-one calendar days after this decision is mailed. Said twenty-one day period is calculated to end on November 30, 2001.

The Request for Review must be in writing and signed by the appealing party or an authorized representative. The request should set forth the reasons why the appellant disagrees with the Hearing Officer's decision. You may file your request in person at any Ohio Department of Job and Family Services office, mail your request to the U.C. Review Commission, 145 South Front Street, P-0. Box 182299, Columbus, Ohio 43218-2299, or fax your request to (614) 752-8862.

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