

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**LISA A TURNBULL**  
Claimant

**APPEAL NO. 07A-UI-04966-CT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MANPOWER TEMPORARY SERVICES**  
Employer

**OC: 12/24/06 R: 01  
Claimant: Respondent (1)**

Section 96.5(3)a – Refusal of Work

**STATEMENT OF THE CASE:**

Manpower Temporary Services filed an appeal from a representative's decision dated May 4, 2007, reference 02, which held that no disqualification would be imposed regarding Lisa Turnbull's April 30, 2007 refusal of work. After due notice was issued, a hearing was held by telephone on June 4, 2007. Ms. Turnbull participated personally. The employer participated by Shirley Boyer, Staffing Specialist.

**ISSUE:**

At issue in this matter is whether any disqualification should be imposed as a result of Ms. Turnbull refusing work on April 30, 2007.

**FINDINGS OF FACT:**

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Turnbull has been employed by Manpower since August of 2005. She completed an assignment with Eaton Corporation on April 8, 2007. On April 30, she was offered a long-term assignment with NSK. The assignment was for 40 or more hours each week and paid \$9.00 per hour. Ms. Turnbull declined the work because of the wages.

Ms. Turnbull filed an additional claim for job insurance benefits effective April 8, 2007. The average weekly wage paid to her during that quarter of her base period in which her wages were highest was \$599.77.

**REASONING AND CONCLUSIONS OF LAW:**

An individual who refuses an offer of suitable work is disqualified from receiving job insurance benefits. Iowa Code section 96.5(3)a. In order for the work to be considered suitable, it must meet the wage criteria set forth in the statute. The work offered to Ms. Turnbull on April 30 was during her fourth week of unemployment following the filing of her additional claim effective April 8. Therefore, the work had to pay at least 100 percent of the average weekly wage paid to her during that quarter of her base period in which her wages were highest. In other words, the

job had to pay at least \$599.77 per week in order to be considered suitable work within the meaning of the law.

The work offered to Ms. Turnbull on April 30 only paid \$360.00 per week (\$9.00/hour x 40 hours). The administrative law judge appreciates that overtime would have been available at NSK. However, the overtime is too speculative to be considered as part of the pay offered. Inasmuch as the work offered did not pay the requisite wages, Ms. Turnbull cannot be disqualified for the refusal.

**DECISION:**

The representative's decision dated May 4, 2007, reference 02, is hereby affirmed. No disqualification is imposed regarding Ms. Turnbull's April 30, 2007 refusal of work as the work offered was not suitable work within the meaning of the law. Benefits are allowed, provided she satisfies all other conditions of eligibility.

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Carolyn F. Coleman  
Administrative Law Judge

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Decision Dated and Mailed

cfc/pjs