

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

BRENDA M HOSKINS
3811 – 150TH ST
BROOKLYN IA 52211

ULTIMATE NURSING SERVICES OF
IOWA INC
3305 – 109TH ST
URBAN DALE IA 50322

Appeal Number: 04A-UI-04300-CT
OC: 02/29/04 R: 02
Claimant: Respondent (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5(3)a – Refusal of Work

STATEMENT OF THE CASE:

Ultimate Nursing Services of Iowa, Inc. (Ultimate) filed an appeal from a representative's decision dated April 7, 2004, reference 02, which held that no disqualification would be imposed regarding Brenda Hoskins' February 29, 2004 refusal of work. After due notice was issued, a hearing was held by telephone on May 11, 2004. Ms. Hoskins participated personally. The employer participated by Holly Hasenclever, Human Resources Manager.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all the evidence in the record, the administrative law judge finds: On March 1, 2004, Ms. Hoskins was offered nursing work through Ultimate. The job was to be full time for two weeks and then she would work from 10 to 20 hours each week. She initially accepted the assignment. Ms. Hoskins had been receiving \$18.50 per hour when working for Ultimate on prior occasions. The employer discovered that she was being paid at the RN rate rather than the LPN rate of \$16.25 per hour. When she went through orientation for the job, she learned that her wages were being reduced to the correct amount. Therefore, Ms. Hoskins decided to decline the job because of the pay change and because the job was in Pella, a distance of 58 miles from her home.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether any disqualification should be imposed regarding Ms. Hoskins' March 1, 2004 refusal of work. An individual who refuses an offer of suitable work is disqualified from receiving job insurance benefits. Iowa Code Section 96.5(3)a. Ms. Hoskins declined the work in Pella because of the distance she would have to travel and because she was no longer going to be receiving the rate of pay she had been receiving. Moreover, the job was going to be part-time after the initial two weeks. Given the distance and the fact that the job was only going to be part-time after two weeks, the administrative law judge concludes that she had good cause for the refusal. Therefore, no disqualification is imposed for the refusal.

DECISION:

The representative's decision dated April 7, 2004, reference 02, is hereby affirmed. Ms. Hoskins had good cause for refusing the offer of work from Ultimate on March 1, 2004. Benefits are allowed, provided she satisfies all other conditions of eligibility.

cfc/kjf