

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JUSTIN P RISVOLD**  
Claimant

**APPEAL NO. 07A-UI-06965-CT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**EXPRESS SERVICES INC**  
Employer

**OC: 02/11/07 R: 02  
Claimant: Respondent (1)**

Section 96.5(3)a – Refusal of Work

**STATEMENT OF THE CASE:**

Express Services, Inc. filed an appeal from a representative's decision dated July 13, 2007, reference 06, which held that no disqualification would be imposed regarding Justin Risvold's June 13, 2007 refusal of work. After due notice was issued, a hearing was held by telephone at 9:00 a.m. on August 2, 2007. The employer participated by Andre Smith, Staffing Consultant. Mr. Risvold responded to the notice of hearing but was not available at the number provided at the scheduled time of the hearing. A voice message was left for him at 9:01 a.m., but he did not contact the Appeals Bureau until approximately 9:39 a.m. Because he did not establish good cause for not participating at the scheduled time, the administrative law judge declined to reopen the hearing record.

**ISSUE:**

At issue in this matter is whether any disqualification should be imposed for Mr. Risvold's refusal of work.

**FINDINGS OF FACT:**

Having heard the testimony of the witness and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Risvold worked for Express Services, Inc. periodically from June 27, 2005 until April 21, 2007. On June 13, 2007, he was contacted by phone and offered a one-day assignment with Sunny Fresh Foods. The assignment was for ten hours and paid \$9.00 per hour. Mr. Risvold declined the assignment and indicated it would "mess up" his unemployment.

Mr. Risvold filed a claim for job insurance benefits effective February 11, 2007. The average weekly wage paid to him during that quarter of his base period in which his wages were highest was \$532.91.

**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 determining the suitability of work, consideration is

given to the wages offered. The work offered on June 13 was offered during Mr. Risvold's eighteenth week of unemployment. Therefore, the job had to pay at least 70 percent of the average weekly wage paid to him during that quarter of his base period in which his wages were highest. In other words, the job had to pay at least \$373.03 per week in order to be considered suitable work. The \$373.00 converts to an hourly wage of \$9.32 for a 40-hour week.

The work offered Mr. Risvold on June 13 was for only one day and paid \$9.00 per hour. Even if one day of work could be considered suitable work within the meaning of the law, the work did not pay the requisite wages. Because the work did not pay at least \$9.32 per hour, it was not suitable work and Mr. Risvold was not required to accept it. As such, he cannot be disqualified from receiving job insurance benefits based on the refusal.

**DECISION:**

The representative's decision dated July 13, 2007, reference 06, is hereby affirmed. No disqualification is imposed for Mr. Risvold's June 13, 2007 refusal of work as the work offered was not suitable work within the meaning of the law. Benefits are allowed, provided he 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/css