

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SCOTTY G INMAN

Claimant

APPEAL NO. 09A-UI-00435-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SUPREME STAFFING INC

Employer

**OC: 01/27/08 R: 01
Claimant: Respondent (1)**

Section 96.5(3)a – Refusal of Work

STATEMENT OF THE CASE:

Supreme Staffing, Inc. filed an appeal from a representative's decision dated January 8, 2009, reference 01, which held that no disqualification would be imposed regarding Scotty Inman's November 12, 2008 refusal of work. After due notice was issued, a hearing was held by telephone on January 27, 2009. Mr. Inman participated personally. The employer participated by Mike Riehl, Office Manager.

ISSUE:

At issue in this matter is whether Mr. Inman refused an offer of suitable work from Supreme Staffing, Inc.

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: Mr. Inman has been accepting temporary work assignments through Supreme Staffing, Inc. since April of 2002 and last performed services on November 8, 2008. On November 12, 2008, he was offered an assignment with Millard Refrigeration to start on November 13. The assignment was for 40 hours each week and paid \$9.00 per hour. Mr. Inman declined the work because he did not want to work in a cold environment.

Mr. Inman filed an additional claim for job insurance benefits effective November 9, 2008. The average weekly wage paid to him during that quarter of his base period in which his wages were highest was \$370.63.

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. Therefore, the administrative law judge must determine if the work offered to Mr. Inman on November 12 constituted suitable work within the meaning of the law. The work was offered during the first week after he filed his additional claim for benefits. Therefore, the work had to pay at least 100 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 \$370.63 per week in order to be considered suitable work.

The work offered to Mr. Inman on November 12 only paid \$360.00 per week (40 hours x \$9.00/hour). Because the job did not pay the wages required by law, it was not suitable work. As such, no disqualification may be imposed for the refusal.

DECISION:

The representative's decision dated January 8, 2009, reference 01, is hereby affirmed. No disqualification is imposed regarding Mr. Inman's November 12, 2008 refusal of work as the work was not suitable work within the meaning of the law. Benefits are allowed, provided he satisfies all other conditions of eligibility.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/pjs