

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SUSANN L HARRIS-SEED
Claimant

APPEAL NO. 07A-UI-05535-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**HELPING HANDS TEMPORARY
SERVICES INC**
Employer

OC: 04/29/07 R: 02
Claimant: Appellant (2)

Section 96.5(3)a – Refusal of Work

STATEMENT OF THE CASE:

Susann Harris-Seed filed an appeal from a representative's decision dated May 23, 2007, reference 04, which denied benefits based on her separation from Helping Hands Temporary Services, Inc. After due notice was issued, a hearing was held by telephone on June 20, 2007. Ms. Harris-Seed participated personally. The employer participated by Arlene Wenzel, Owner.

ISSUE:

At issue in this matter is whether Ms. Harris-Seed was separated from employment for any disqualifying reason and whether she refused suitable work without good cause.

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. Harris-Seed accepted a temporary assignment through Helping Hands on May 3, 2007. The assignment was with Scott Manufacturing and was to start on May 4. Later in the day on May 3, she notified the employer that she was leaving to go to Davenport because her son had been involved in an auto accident. On May 4, her son died as a result of his injuries. The employer had not received notice of the death and, therefore, did not know that Ms. Harris-Seed was not going to report for her assignment. The employer assumed she did not want the assignment and, therefore, sent her a copy of a notice of separation on May 4 that was also mailed to Workforce Development. The notice indicated she had quit the employment. Ms. Harris-Seed received the notice on May 7 but did not respond to it.

Ms. Harris-Seed filed a claim for job insurance benefits effective April 29, 2007. The average weekly wage paid to her during that quarter of her base period in which her wages were highest was \$480.54. The assignment at Scott Manufacturing was for at least 40 hours each week and paid \$7.75 per hour. Ms. Harris-Seed does not have base period wage credits with Helping Hands.

REASONING AND CONCLUSIONS OF LAW:

Ms. Harris-Seed never started the assignment she accepted with Scott Manufacturing. For this reason, the administrative law judge believes the issue is one of a work refusal rather than a voluntary quit. An individual who refuses suitable work is disqualified from receiving job insurance benefits. Iowa Code section 96.5(3)a. In determining whether work is suitable, consideration is given to amount of wages offered. The assignment with Scott Manufacturing was offered during Ms. Harris-Seed's first week of unemployment. Therefore, the job 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 \$480.54 per week in order to be considered suitable.

The work offered to Ms. Harris-Seed with Scott Manufacturing paid only \$310.00 per week. As such, the work was not suitable and no disqualification may be imposed for the refusal. Moreover, the death in her family constituted good cause for not reporting on May 4. Ms. Harris-Seed does not have base period wage credits with Helping Hands. Since she has never actually worked for Helping Hands, the employer's account is not subject to charges.

DECISION:

The representative's decision dated May 23, 2007, reference 04, is hereby reversed. Ms. Harris-Seed refused work on May 4, 2007 but no disqualification is imposed as the work was not suitable work within the meaning of the law. Benefits are allowed, provided she satisfies all other conditions of eligibility. The employer's account is not subject to charges.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/pjs