

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

JOSEPHINE M HUGHES
3922 SHERMAN BLVD
DES MOINES IA 50310

PALMER STAFFING
3737 WOODLAND AVE #300
WEST DES MOINES IA 50266

Appeal Number: 05A-UI-06554-CT
OC: 05/29/05 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:

Palmer Staffing filed an appeal from a representative's decision dated June 20, 2005, reference 04, which held that no work had been offered to Josephine Hughes on June 7, 2005. After due notice was issued, a hearing was held by telephone on July 12, 2005. Ms. Hughes participated personally. The employer participated by Wendy Dennis, Staffing Consultant.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all the evidence in the record, the administrative law judge finds: Ms. Hughes began working through Palmer Staffing, a

temporary placement firm, on December 6, 2004. She completed an assignment with City Mortgage on May 3, 2005.

On June 7, 2005, the employer left an answering machine message for Ms. Hughes regarding a job possibility. No specifics concerning the assignment were provided in the message. The work was with Wells Fargo and was anticipated to be a long-term assignment with the possibility of resulting in a permanent placement. The assignment was for 40 hours each week and paid \$11.06 per hour. The employer did not receive any response to the message.

Ms. Hughes filed her current claim effective May 29, 2005. The average weekly wage paid to her during that quarter of her base period in which her wages were highest was \$574.59.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether any disqualification should be imposed regarding the June 7, 2005 offer to Ms. Hughes. An individual who refuses an offer of suitable work is disqualified from receiving job insurance benefits. Iowa Code section 96.5(3)a. A disqualification is only appropriate where the work offered constituted suitable work within the meaning of the law. In the case at hand, the work offered on June 7 did not meet the wage requirement set forth in Iowa Code section 96.5(3)a. The work was offered during the second week following the filing of the claim effective May 29, 2005. As such, it had to pay at least 100 percent of the average weekly wage paid to Ms. Hughes during that quarter of her base period in which her wages were highest.

The work offered to Ms. Hughes on June 7 paid \$11.06 per hour and was for 40 hours each week. The wages offered, \$442.40 per week, were less than her average weekly wage of \$574.59. Because the wages did not meet the threshold level established by law, the work was not suitable and no disqualification would be imposed even if Ms. Hughes had responded to the offer and declined it.

DECISION:

The representative's decision dated June 20, 2005, reference 04, is hereby affirmed. No disqualification is imposed regarding the June 7, 2005 offer as the work offered was not suitable work within the meaning of the law. Benefits are allowed, provided Ms. Hughes satisfies all other conditions of eligibility.

cfc/sc