

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**PATRICK N WEST**  
Claimant

**APPEAL NO. 07A-UI-06097-CT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ADVANCE SERVICES INC**  
Employer

**OC: 04/15/07 R: 01  
Claimant: Respondent (1)**

Section 96.5(3)a – Refusal of Work

**STATEMENT OF THE CASE:**

Advance Services, Inc. filed an appeal from a representative's decision dated June 7, 2007, reference 02, which held that no disqualification would be imposed regarding Patrick West's May 2, 2007 refusal of work. After due notice was issued, a hearing was held by telephone on July 5, 2007. The employer participated by Brenda Jewell, Staffing Manager. Mr. West did not respond to the notice of hearing.

**ISSUE:**

At issue in this matter is whether any disqualification should be imposed regarding Mr. West'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. West last worked through Advance Services, Inc., a temporary placement firm, on June 12, 2006. He was contacted by telephone on May 1, 2007 and offered a full-time assignment with Valmont Industries. The assignment was to start on May 7 and could have resulted in permanent employment. The assignment was for 40 or more hours per week and paid \$10.50 per hour. Mr. West declined the assignment and indicated he had two other jobs lined up.

Mr. West filed a claim for job insurance benefits effective April 15, 2007. The average weekly wage paid to him during that quarter of his base period in which his wages were highest was \$768.29.

**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. It must first be determined whether the work offered to Mr. West on May 1, 2007 was suitable work within the meaning of the law. In determining whether work is suitable, consideration is given to the wages offered. The work at issue was offered during the third week of Mr. West's unemployment. 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 work had to pay at least \$768.29 per week in order to be considered suitable work within the meaning of the law.

The work offered to Mr. West on May 1, 2007 paid only \$420.00 per week. As such, it was not suitable work. Therefore, no disqualification may be imposed for the refusal. The administrative law judge appreciates that the wage offered approximated the wages Mr. West had previously earned through this employer. He certainly has the right to accept work that pays less than the amount required to render it suitable work. However, the law does not impose a disqualification if such work is refused.

**DECISION:**

The representative's decision dated June 7, 2007, reference 02, is hereby affirmed. No disqualification is imposed for Mr. West's May 1, 2007 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.

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Carolyn F. Coleman  
Administrative Law Judge

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Decision Dated and Mailed

cfc/css