

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ANTHONY W STRAUSBAUGH
Claimant

APPEAL NO. 08A-UI-02936-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

EXPRESS SERVICES INC
Employer

**OC: 02/03/08 R: 02
Claimant: Appellant (1)**

Section 96.5(3)a – Refusal of Work

STATEMENT OF THE CASE:

Anthony Strausbaugh filed an appeal from a representative's decision dated March 21, 2008, reference 02, which denied benefits on a finding that he refused suitable work with Express Services, Inc. After due notice was issued, a hearing was held by telephone on April 10, 2008. Mr. Strausbaugh participated personally. The employer participated by Crystal McBride, Personnel Supervisor.

ISSUE:

At issue in this matter is whether Mr. Strausbaugh refused an offer of suitable work on February 13, 2008.

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. Strausbaugh began working through Express Services, Inc. (Express) in August of 2004. On January 21, 2008, he was laid off from an assignment with Rees Associates. He was told he might be recalled but there was no specific date on which he was to return to the assignment.

Mr. Strausbaugh was contacted by Express on February 13 and offered a long-term assignment with Helena Industries. The assignment was to start on February 14 and last from six to eight months. There was work available on all three shifts and was for 40 or more hours each week. The pay was \$9.00 per hour. Mr. Strausbaugh declined the work and indicated he had other things to do. He had an appointment at 1:00 p.m. on February 13 with a human services agency to receive a rent voucher. Mr. Strausbaugh subsequently returned to work through Express at Rees Associates on or about March 10.

Mr. Strausbaugh filed a claim for job insurance benefits effective February 3, 2008. The average weekly wage paid to him during that quarter of his base period in which his wages were highest was \$160.73.

REASONING AND CONCLUSIONS OF LAW:

An individual who refuses an offer of suitable work without good cause is disqualified from receiving job insurance benefits. Iowa Code section 96.5(3)a. In determining the suitability of work, one factor to be considered is the amount of wages offered. The work offered to Mr. Strausbaugh by Express on February 13 was during the second week after he filed his claim for job insurance benefits effective February 3, 2008. As such, the work had to pay at least 100 percent of the average weekly wage paid to him during that quarter of the base period in which his wages were highest. In other words, the job had to pay at least \$160.73.

The work offered on February 13 paid at least \$360.00 (40 hours x \$9.00/hour) per week. This figure does not include any overtime that might have been available. Mr. Strausbaugh did not contend that the work itself was unsuitable or that he lacked the skills to perform the work offered. Because the work was otherwise suitable work and paid the wages required by law, it was suitable work within the meaning of section 96.5(3)a. Mr. Strausbaugh declined the work because he had other things to do. Although he had an appointment on February 13, the assignment did not start until February 14. Moreover, if he had to start on February 13, he could have chosen to work on a shift that did not conflict with his appointment with the human services agency.

The evidence does not establish good cause for Mr. Strausbaugh's refusal of the work offered on February 13, 2008. As such, he is disqualified from receiving benefits as of the Sunday of the week in which the refusal occurred, February 10, 2008.

DECISION:

The representative's decision dated March 21, 2008, reference 02, is hereby affirmed. Mr. Strausbaugh refused an offer of suitable work on February 13, 2008 for no good cause. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly job insurance benefit amount, provided he satisfies all other conditions of eligibility.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/kjw