

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DENNIS G HOPKINS
Claimant

APPEAL NO. 07A-UI-07133-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ENTELEE INC
Employer

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

Section 96.5(3)a – Refusal of Work

STATEMENT OF THE CASE:

Entegee, Inc. filed an appeal from a representative's decision dated July 16, 2007, reference 04, which held that no disqualification would be imposed regarding Dennis Hopkins' April 26, 2007 refusal of work. After due notice was issued, a hearing was held by telephone on August 7, 2007. The employer participated by Brenda Wiese, Division Manager. Mr. Hopkins did not respond to the notice of hearing.

ISSUE:

At issue in this matter is whether any disqualification should be imposed as a result of Mr. Hopkins' 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. Hopkins previously worked for Entegee, Inc. from January 23 until April 17, 2007, at which time he was discharged from the employment. On April 23, he was offered a three-month contract position as a full-time electrician. The job was for 40 hours each week and paid \$14.80 per hour. Mr. Hopkins originally accepted the position and was to start on April 26. He did not report as scheduled and the employer contacted him by phone on April 27. He indicated at that time that he had taken a different job in Muscatine.

Mr. Hopkins 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 \$645.21.

REASONING AND CONCLUSIONS OF LAW:

An individual who refuses suitable work is disqualified from receiving job insurance benefits. Iowa Code section 96.5(3)a. In determining the suitability of work, consideration is given to the wages offered. The work offered to Mr. Hopkins was offered during his second week of unemployment following the filing of his claim effective April 15, 2007. Therefore, the job had to pay at least 100 percent of the average weekly wage paid to Mr. Hopkins during that quarter of

his base period in which his wages were highest. In other words, the job had to pay at least \$645.21 per week in order to be considered suitable work within the meaning of the law.

The work offered to Mr. Hopkins paid only \$592.00 per week. Therefore, it was not suitable work and no disqualification may be imposed for the refusal. An individual is free to accept work that is not suitable. However, he is not disqualified from benefits if he refuses it.

DECISION:

The representative's decision dated July 16, 2007, reference 04, is hereby affirmed. No disqualification is imposed for Mr. Hopkins' refusal of work as the work offered 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/css