

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CHRIS C JENSEN
Claimant

APPEAL NO. 07A-UI-01753-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TEMP ASSOCIATES
Employer

**OC: 01/14/07 R: 04
Claimant: Respondent (1)**

Section 96.5(3)a – Refusal of Work

STATEMENT OF THE CASE:

Temp Associates filed an appeal from a representative's decision dated February 12, 2007, reference 01, which allowed benefits to Chris Jensen but denied the employer relief from charges. After due notice was issued, a hearing was held by telephone at 9:00 a.m. on March 14, 2007. The employer participated by Deb Eagleman, Branch Manager. Mr. Jensen responded to the notice of hearing but was not available at the number provided at the scheduled time of the hearing. Mr. Jensen called in at approximately 9:22 a.m. on the day of the hearing. He indicated he did not hear the telephone when the administrative law judge called him at the scheduled time. He apparently had his telephone on "vibrate" rather than "ring." Because he did not establish good cause for not participating at the scheduled time, the administrative law judge declined to reopen the record.

ISSUE:

At issue in this matter is whether any disqualification should be imposed for Mr. Jensen's July 12, 2006 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. Jensen completed a temporary assignment through Temp Associates on July 5, 2006. On that same date, he was offered an assignment with Metrogroup to start on July 12. The assignment was of indefinite duration and was for 40 hours each week. The rate of pay was \$8.00 per hour. Mr. Jensen accepted the assignment but notified Temp Associates on July 12 that he was declining the work because he had an interview for a job more in line with his training as a chef.

Mr. Jensen filed a claim for job insurance benefits effective July 17, 2005. He filed an additional claim effective March 26, 2006. The average weekly wage paid to him during that quarter of his base period in which his wages were highest was \$495.90.

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. Mr. Jensen declined work on July 12, 2006. The administrative law judge must determine if the work refused constituted suitable work within the meaning of the law. The work was offered during the sixteenth week following Mr. Jensen's additional claim filed effective March 26, 2006. Therefore, the work had to pay at least 70 percent of the average weekly wage (\$495.90) paid to him during that quarter of his base period in which his wages were highest. In other words, the job had to pay at least \$347.13 in order to be considered suitable work.

The work refused by Mr. Jensen on July 12 paid only \$320.00 per week (40 hours x \$8.00/hour). Because the work did not pay the requisite wages, it was not suitable work and no disqualification may be imposed for the refusal. Accordingly, benefits are allowed.

DECISION:

The representative's decision dated February 12, 2007, reference 01, is hereby affirmed. No disqualification is imposed for Mr. Jensen's July 12, 2006 refusal of work as the work was not suitable work within the meaning of the law. Benefits are allowed, provided Mr. Jensen satisfies all other conditions of eligibility.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/kjw