

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

ZEMIRA MASUKIC
333 TERRACE DT
WATERLOO IA 50707

EXPRESS SERVICES INC
PO BOX 720660
OKLAHOMA CITY OK 73172

Appeal Number: 04A-UI-02424-CT
OC: 02/01/04 R: 03
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(1) – Voluntary Quit
Section 96.5(3)a – Refusal of Work

STATEMENT OF THE CASE:

Express Services, Inc. filed an appeal from a representative's decision dated March 1, 2004, reference 01, which held that no disqualification would be imposed regarding Zemira Masukic's separation from employment. After due notice was issued, a hearing was held by telephone on April 1, 2004. The employer participated by Lisa Franzmeier, Staffing Consultant. Exhibit One was admitted on the employer's behalf. Ms. Masukic did not respond to the notice of hearing.

FINDINGS OF FACT:

Having heard the testimony of the witness and having reviewed all the evidence in the record, the administrative law judge finds: Ms. Masukic's most recent period of employment with Express Services, Inc., a temporary placement firm, began on March 10, 2003. On July 18, 2003, she completed a one-day assignment with Woolverton Printing Company (Woolverton). On August 20, she agreed to work for Woolverton again for one or two days beginning August 21. The work was for eight hours each day at \$7.00 per hour. She did not report for the assignment.

Ms. Masukic filed an additional claim for job insurance benefits effective April 27, 2003. The average weekly wage paid to her during that quarter of her base period in which her wages were highest was \$366.41.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Ms. Masukic was separated from employment for any disqualifying reason. She was hired for placement in temporary work assignments. She completed an assignment on July 18, 2003 and was not offered further work until August 20, 2003. Inasmuch as she completed her one-day assignment of July 18, no disqualification would be imposed for the separation which occurred at that point. Ms. Masukic did fail to report for an additional assignment with Woolverton. A failure to report for the assignment constituted a refusal of work. An individual who refuses an offer of suitable work is disqualified from receiving job insurance benefits. Iowa Code Section 96.5(3)a.

In the case at hand, the work Ms. Masukic refused was not suitable work within the meaning of the law. The work was offered during the 17 week of unemployment following the filing of an additional claim effective April 27, 2003. Therefore, the job had to pay at least 70 percent of the average weekly wage paid to Ms. Masukic during that quarter of her base period in which her wages were highest. The job had to pay at least \$256.49 per week in order to be considered suitable. Because it paid, at most, \$112.00, it was not suitable work. Therefore, no disqualification may be imposed for the refusal.

DECISION:

The representative's decision dated March 1, 2004, reference 01, is hereby affirmed as to result. No disqualification is imposed as Ms. Masukic completed her last assignment and was not offered suitable work on August 20, 2003. Benefits are allowed, provided she satisfies all other conditions of eligibility.

cfc/b