

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

BRENDA M HOSKINS  
3811 – 150<sup>TH</sup> ST  
BROOKLYN IA 52211

ULTIMATE NURSING SERVICES OF  
IOWA INC  
3305 – 109<sup>TH</sup> ST  
URBAN DALE IA 50322

Appeal Number: 04A-UI-04301-CT  
OC: 02/29/04 R: 02  
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, 4<sup>th</sup> 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.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5(3)a – Refusal of Work

STATEMENT OF THE CASE:

Ultimate Nursing Services of Iowa, Inc. (Ultimate) filed an appeal from a representative's decision dated March 25, 2004, reference 03, which held that no disqualification would be imposed regarding Brenda Hoskins' March 5, 2004 refusal of work. After due notice was issued, a hearing was held by telephone on May 11, 2004. Ms. Hoskins participated personally. The employer participated by Holly Hasenclever, Human Resources Manager.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all the evidence in the record, the administrative law judge finds: On March 5, 2004, Ms. Hoskins was offered nursing work through Ultimate. The job was for 6 to 12 hours of work per week at an hourly rate of \$16.25. Ms. Hoskins declined the work because it was only part-time.

Ms. Hoskins filed a claim for job insurance benefits effective February 29, 2004. The average weekly wage paid to her during that quarter of her base period in which her wages were highest was \$606.95.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether any disqualification should be imposed regarding Ms. Hoskins' March 5, 2004 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. The work offer at issue was made during Ms. Hoskins' first week of unemployment. Therefore, the job had to pay at least 100 percent of the average weekly wage paid to her during that quarter of her base period in which her wages were highest. In other words, the job had to pay at least \$606.95 in order to be considered suitable work within the meaning of the law. Even assuming that Ms. Hoskins received the maximum of 12 hours each week, the pay would only be \$195.00 per week. Given the wages, the administrative law judge concludes that the work offered on March 5 was not suitable work and no disqualification may be imposed for the refusal.

DECISION:

The representative's decision dated March 25, 2004, reference 03, is hereby affirmed. Ms. Hoskins did not refuse an offer of suitable work from Ultimate on March 5, 2004. Benefits are allowed, provided she satisfies all other conditions of eligibility.

cfc/kjf