

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

VALARIE J CHRISTIANSEN
Claimant

APPEAL NO. 09A-UI-03638-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

NURSEFINDERS OF DES MOINES
Employer

OC: 01/11/09
Claimant: Respondent (1)

Section 96.5-3-a – Offer of Suitable Work
871 IAC 24.24(8) – Non Benefit Year Offer of Work

STATEMENT OF THE CASE:

Nursefinders of Des Moines filed an appeal from a representative's decision dated February 24, 2009, reference 02, which held the claimant eligible to unemployment insurance benefits finding that the claimant did not accept an offer of work on December 21, 2008 concluding the offer was made when the claimant did not have a valid unemployment insurance claim. After due notice a telephone conference hearing was scheduled for and held on April 1, 2009. The claimant participated personally. The employer participated by Michael Adams, Director.

ISSUE:

The issue in this matter is whether the claimant refused an offer of work at a time when she had a valid unemployment insurance claim for benefits.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witnesses and having considered the matter, finds: The claimant worked as a temporary employee for the captioned company beginning in November 2007. The claimant accepted numerous job assignments through Nursefinders of Des Moines. On or about December 21, the employer attempted to contact Ms. Christiansen for a temporary assignment but the company was unable to reach her. Ms. Christiansen did not have a valid unemployment insurance claim at the time and was unaware that the employer had attempted to reach her with a temporary position offer. The claimant has actively and earnestly sought work by contacting perspective employers each week that she claimed benefits after opening her claim for benefits effective January 11, 2009.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes based upon the evidence in the record that the claimant did not receive a bona fide offer of work on or about December 21, 2008. While the evidence suggests that the temporary employment service attempted to reach Ms. Christiansen, it did not make contact with the claimant and the claimant was unaware that a temporary job position may

have been available to her. The evidence in the record establishes that at that time the claimant had not opened a claim for unemployment insurance benefits.

871 IAC 24.24(8) provides:

(8) Refusal disqualification jurisdiction. Both the offer of work or the order to apply for work and the claimant's accompanying refusal must occur within the individual's benefit year, as defined in subrule 24.1(21), before the Iowa code subsection 96.5(3) disqualification can be imposed. It is not necessary that the offer, the order, or the refusal occur in a week in which the claimant filed a weekly claim for benefits before the disqualification can be imposed.

871 IAC 24.24(1)a provides:

(1) Bona fide offer of work.

a. In deciding whether or not a claimant failed to accept suitable work, or failed to apply for suitable work, it must first be established that a bona fide offer of work was made to the individual by personal contact or that a referral was offered to the claimant by personal contact to an actual job opening and a definite refusal was made by the individual. For purposes of a recall to work, a registered letter shall be deemed to be sufficient as a personal contact.

For the reasons stated herein, the administrative law judge concludes the claimant did not refuse a bona fide offer of work and that the attempt to offer the claimant work occurred during a time when the claimant did not have a claim for unemployment insurance benefits.

DECISION:

The representative's decision dated February 24, 2009, reference 02, is affirmed. The claimant did not receive a bona fide offer of work and did not have a valid unemployment insurance claim for benefits on December 21, 2008. Unemployment insurance benefits are allowed, providing the claimant meets all other eligibility requirements of Iowa law.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs