

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MITCH D BRADLEY
Claimant

APPEAL NO. 09A-UI-06695-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

MGV INC
Employer

OC: 10/05/08
Claimant: Respondent (1-R)

Section 96.5-3-a – Refusal of Suitable Work

STATEMENT OF THE CASE:

MGV (employer) appealed a representative's April 24, 2009 decision (reference 04) that concluded Mitch Bradley (claimant) was eligible to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for May 20, 2009. The claimant did not provide a telephone number for the hearing where he could be reached and, therefore, did not participate. The employer participated by Tom Kutsch, Operations Director.

ISSUE:

The issue is whether the claimant refused an offer of suitable work.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was employed with the employer from December 11, 2008, through March 13, 2009. No offer of work was made to the claimant before December 2008.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant did not refuse an offer of suitable work.

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.

The employer did not offer work to the claimant on November 17, 2008. No offer of work was made to the claimant. The claimant is qualified to receive benefits because no offer of suitable work was made to the claimant.

The issue of the claimant's separation from employment with this employer is remanded for determination

DECISION:

The representative's April 24, 2009 decision (reference 04) is affirmed. The claimant is qualified to receive benefits. The issue of the claimant's separation from employment with this employer is remanded for determination

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/pjs