

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MELISSA M DOLAN
Claimant

APPEAL NO. 09A-UI-01448-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MANPOWER INC OF D M
Employer

OC: 07/20/08
Claimant: Appellant (2)

Section 96.5-3-a – Suitable Work Offer

STATEMENT OF THE CASE:

The claimant filed a timely appeal from a representative's decision dated January 22, 2009, reference 01, which denied benefits based upon a finding the claimant refused to apply for suitable work. After due notice a telephone hearing was scheduled for and held on April 7, 2009. The claimant participated personally. The employer participated by Sara Dahm.

ISSUE:

The issue is whether the claimant received a bona fide offer of work and whether the claimant made a definite refusal.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: The claimant began employment with Manpower of Des Moines in January 1999. The claimant has accepted numerous temporary job assignments through this temporary service. The claimant completed a job assignment on December 5, 2008. On December 16, the claimant received a call about a potential job offer at the Wells Fargo Company as a data entry clerk and office worker at the rate of \$13.00 per hour. Ms. Dolan did not decline the offer but merely began to explain that she was going to be out of town for a two-week period during the time that the assignment was to run. The representative from Manpower of Des Moines thanked the claimant and terminated the conversation without further clarification. Subsequently during the month of January 2009 Ms. Dolan made her number of contacts with Manpower of Des Moines attempting to secure suitable work. The claimant again accepted an offer of temporary work through Manpower of Des Moines beginning March 26, 2009.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence in the record establishes that the claimant was given a bona fide offer of work and whether the claimant made a definite refusal. It does not.

The evidence in the record establishes the claimant was actively seeking work through a variety of sources which included Manpower of Des Moines. On or about December 16, Manpower of Des Moines contacted the claimant and a representative began to explain a potential job offer when the claimant indicated she would be unavailable during a portion of the time that the job was to run and the conversation was ended without further information being provided to Ms. Dolan. The record establishes that the claimant has actively contacted Manpower of Des Moines on a regular basis attempting to secure additional temporary assignments with the temporary service.

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.

Based on the evidence in the record, the administrative law judge concludes that the claimant did not receive a bona fide offer of work and did not make a definite refusal. The claimant is, therefore, not subject to a disqualification for unemployment insurance benefits and is entitled to benefits claimed, provided she meets all other eligibility requirements.

DECISION:

The representative's decision dated January 22, 2009, reference 01, is reversed. The claimant did not receive a bona fide offer of work and did not make a definite refusal. Unemployment insurance benefits are allowed, provided the claimant meets all other eligibility requirements of Iowa law.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs