

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

GREG M GERMAN
Claimant

TEAMS 2000 LLC
Employer

APPEAL 15A-UI-05123-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 03/01/15
Claimant: Respondent (1R)**

Iowa Code §96.5(3)a – Work Refusal

STATEMENT OF THE CASE:

The employer filed an appeal from the April 23, 2015, (reference 02) unemployment insurance decision that allowed benefits. The parties were properly notified about the hearing. A telephone hearing was held on June 5, 2015. Claimant did not participate. Employer participated through Suzanne Kay Goebel, Owner.

ISSUES:

Did the claimant refuse a suitable offer of work?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant worked previously as a manure spreader for this employer. In early March the employer spoke to the claimant and told him they were going to call him back to work and they needed him to attend the training class. The employer paid for the claimant's licensing fee and he attended the class on March 13. The claimant knew at that time he would be called back to work soon. On April 1, 2 and 3 the employer called the claimant on his cell phone to ask him to come back to work. The claimant never answered his phone and as his voice mail was not set up, the employer could not leave him a voice mail message.

At the fact-finding interview the employer learned that if the claimant would not answer the telephone they needed to send him an offer letter by certified mail. After the fact-finding interview the employer did mail a certified letter to the claimant offering him work. No fact-finding interview has been held on the offer of work made by the employer to claimant on or about April 23, 2015.

REASONING AND CONCLUSIONS OF LAW:

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

Iowa Admin. Code r. 871-24.24(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.

Under these circumstances the administrative law judge must conclude that no offer of work was made to the claimant. Benefits are allowed, provided the claimant is otherwise eligible.

REMAND:

The issue as to whether another offer for work was made to the claimant on or about April 23, 2015 is remand to the UISC for an initial fact-finding determination.

DECISION:

The April 23, 2015, reference 02, decision is affirmed. No actual offer of work was made to the claimant. Benefits are allowed, provided the claimant is otherwise eligible.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/pjs