

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

AMBER M JANSEN
1920 N MYRTLE
DAVENPORT IA 52804

ARH INC
EMPLOYMENT SOURCE
1815 GRANT ST
BETTENDORF IA 52722

Appeal Number: 06A-UI-06797-H2T
OC: 04-30-06 R: 04
Claimant: Appellant (2)

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, 4th 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.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5(3)a – Work Refusal

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the June 22, 2006, reference 03, decision that denied benefits. After due notice was issued, a hearing was held on July 25, 2006. The claimant did participate. The employer did participate through Samantha Hoffmann, Human Resources Consultant.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: There was no actual offer of work made to the claimant, as the employer was not able to contact her on the telephone. Claimant's average weekly wage is \$399.31.

REASONING AND CONCLUSIONS OF LAW:

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

Before a determination can be made as to whether an offer of work was suitable, it must first be established that an actual offer of work was made to the claimant. The record here establishes that no actual offer of work was made to the claimant. Merely leaving a message for the claimant on her answering machine is not adequate to convey an offer of work to the claimant. The employer had the option to send the claimant an offer by certified mail, but chose not to. Since no offer of work was made to the claimant, there cannot be a finding that the claimant refused a suitable offer of work. Benefits are allowed, provided the claimant is otherwise eligible.

DECISION:

The June 22, 2006, reference 03, decision is reversed. The claimant did not refuse a suitable offer of work, as no offer of work was actually made. Benefits are allowed, provided claimant is otherwise eligible.

tkh/kjw