

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**PERRY R FERRIS**  
Claimant

**APPEAL NO. 13A-UI-06792-VST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**KIENAST IMPLEMENT DETAILING INC**  
Employer

**OC: 02/17/13**  
**Claimant: Respondent (1)**

Section 96.4-3 – Able and Available  
Section 96.5-3-a – Work Refusal

**STATEMENT OF THE CASE:**

The employer filed an appeal from a representative's decision dated May 30, 2013, reference 04, which held that the claimant was eligible for unemployment insurance benefits. After due notice, a hearing was scheduled for July 12, 2013 by telephone conference call. The claimant did not respond to the hearing notice and did not participate. The employer participated by Dwight Kienast, Owner. The record consists of the testimony of Dwight Kienast.

**ISSUE:**

Whether the claimant refused an offer of suitable work.

**FINDINGS OF FACT:**

The administrative law judge, having considered all of the evidence in the record, makes the following findings of fact:

The employer's business is the detailing of combines and tractors. The claimant was hired in late June or July 2012. He was a full-time laborer. Business got slow and the claimant and one other employee were laid off during the last week in February 2013. The employer tried to call the claimant back to work after two weeks had passed. The claimant never answered his phone. The employer did not send a letter to the claimant or attempt to contact him in any other way.

**REASONING AND CONCLUSIONS OF LAW:**

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 claimant did not refuse an offer of suitable work and is therefore eligible for unemployment insurance benefits. Iowa law states that before a claimant can be disqualified based on a refusal of suitable work, there must be a definite offer. In this case, there was no definite offer as the employer never personally communicated with the claimant. The employer had the option of sending a registered letter to the claimant but chose to rely on the telephone. Under these circumstances, the administrative law judge concludes that there was no definite offer. Benefits are allowed if the claimant is otherwise eligible.

**DECISION:**

The decision of the representative dated May 30, 2013, reference 04, is affirmed. The claimant did not refuse an offer of suitable work. Benefits are allowed, provided the claimant meets all other eligibility requirements.

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Vicki L. Seeck  
Administrative Law Judge

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Decision Dated and Mailed

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