

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**LINDSAY BEERBOWER**

Claimant

**APPEAL NO: 14A-UI-08607-ET**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**GOLDEN CIRCLE BUS SOLUTIONS INC**

Employer

**OC: 06/29/14**

**Claimant: Respondent (1)**

Section 96.5(3)a – Work Refusal

**STATEMENT OF THE CASE:**

The employer filed a timely appeal from the August 12, 2014, reference 02, decision that allowed benefits to the claimant. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on September 9, 2014. The claimant participated in the hearing. Karen Durbin, Director of Sales and Marketing, participated in the hearing on behalf of the employer.

**ISSUE:**

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

**FINDINGS OF FACT:**

The claimant was assigned by the employer to a position as a secretary I at the State Public Defenders Office from December 27, 2013 to June 24, 2014, at which time the claimant completed the assignment. She worked 8:00 a.m. to 4:30 p.m. and earned \$14.75 per hour.

The employer personally contacted the claimant June 18, 2014, and asked her to interview for a clerical position at the State Department of Nursing. The claimant declined because it paid \$2.75 less per hour than she was making at the State Public Defenders Office and, if she were selected for the job, it would have started prior to the end of her current assignment. The claimant did not have a valid claim for unemployment insurance benefits at the time the employer asked her to interview for this position as she filed a claim for benefits with an effective date of June 29, 2014. .

On July 14 and July 15, 2014, the employer left the claimant voice mail messages asking her to interview for an administrative assistant position at R. Jones earning between \$12.00 and \$15.00 per hour, depending on experience. The claimant did not respond to the voice mails left by the employer because she was upset after she sent her résumé to the employer following the completion of her assignment at the State Public Defenders Office and did not hear from the employer for the three weeks prior to July 14, 2014.

## **REASONING AND CONCLUSIONS OF LAW:**

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

Iowa Admin. Code r. 871-24.24(8) provides:

(8) Refusal disqualification jurisdiction. Both the offer of work or the order to apply for work and the claimant's accompanying refusal must occur within the individual's benefit year, as defined in subrule 24.1(21), before the Iowa code subsection 96.5(3) disqualification can be imposed. It is not necessary that the offer, the order, or the refusal occur in a week in which the claimant filed a weekly claim for benefits before the disqualification can be imposed.

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.

The first assignment the employer asked the claimant to interview for was not a bona fide offer of work because it was not an actual offer of work but an offer of an interview. Additionally, the request by the employer that the claimant interview for the position at the State Department of Nursing occurred prior to June 29, 2014, when the claimant opened her claim for unemployment insurance benefits.

The second offer of an interview July 14 and July 15, 2014, was also not a bona fide offer of work but was again an offer of an interview. Additionally, while the claimant did have a claim for unemployment insurance benefits at that time, even if the employer had made a bona fide offer of work to the claimant, it did not do so through personal contact but instead left a voice mail for the claimant. In order for an offer of work to be suitable, it must be made by personal contact which can be achieved through a registered letter if unable to contact the claimant by phone and speak to her personally.

Because the employer did not make a bona fide offer of work to the claimant, the administrative law judge cannot find the claimant refused a suitable offer of work. Therefore, benefits must be allowed.

**DECISION:**

The August 12, 2014, reference 02, decision is affirmed. The claimant did not refuse a suitable offer of work because no bona fide offer of work was made. Benefits are allowed, provided the claimant is otherwise eligible.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

je/css