

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

AARON J BRISLAWN
Claimant

APPEAL NO. 11A-UI-14946-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

B G BRECKE INC
Employer

OC: 07/31/11
Claimant: Appellant (2)

Section 96.5-3-a – Refusal to Accept Suitable Work

STATEMENT OF THE CASE:

Aaron Brislawn (claimant) appealed a representative's November 14, 2011 decision (reference 02) that concluded he was not eligible to receive unemployment insurance benefits because he refused suitable work with B.G. Brecke (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for December 13, 2011. The claimant participated personally. The employer participated by Bret Brecke, Vice President.

ISSUE:

The issue is whether the claimant refused suitable work.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant worked for the employer from November 9, 2009, to November 30, 2010, as a full-time plumber. The claimant was laid off for lack of work. On or about October 21, 2011, someone from the union hall called the claimant and left a message indicating the availability of a position with the employer. The claimant returned the call within ten minutes but the job had been given to another individual.

The claimant stopped receiving unemployment insurance benefits after the week ending October 29, 2011, because he had found other employment.

REASONING AND CONCLUSIONS OF LAW:

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

The union representative left the claimant a message. The claimant never refused work. No actual offer of work was made to the claimant. The claimant is qualified to receive benefits because no offer of suitable work was made to the claimant.

DECISION:

The representative's November 14, 2011 decision (reference 02) is reversed. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/pjs