

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**NATHAN J ALLEN**  
Claimant

**APPEAL NO: 13A-UI-02215-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**PALMER COMPANIES INC**  
Employer

**OC: 01/06/13**  
**Claimant: Respondent (1)**

Iowa Code § 96.5(3)a – Refusal of Offer of Suitable Work

**PROCEDURAL STATEMENT OF THE CASE:**

The employer appealed a representative's February 13, 2013 determination (reference 01) that held the claimant still qualified to receive benefits as of January 17, 2013, even though he did not accept an offer of work. The claimant participated in the hearing. Eric Sonksen appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes that as of January 17, 2013, the claimant remains qualified to receive benefits.

**ISSUE:**

Did the claimant refuse the employer's January 17, 2013 offer of work without good cause?

**FINDINGS OF FACT:**

The claimant established a claim for benefits during the week of January 6, 2013, after his assignment at Wells Fargo ended on January 8, 2013. Wells Fargo contacted the employer on January 17 and wanted people who had recently finished an assignment to return for another assignment doing the same job.

On January 17, the employer called the claimant at 8:13 a.m. and left a message that Wells Fargo wanted him to return for another assignment doing the same work he had done before. The employer gave the claimant and other people called a deadline of 10 a.m. that day to let the employer know if they would return to Wells Fargo for another assignment.

The claimant did not listen to his voice mail until after 11 a.m. Since it was after 10 a.m., he did not contact the employer to accept the new assignment. If he would have heard the voicemail before 10 a.m., he would have accepted the job.

**REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if he refused a suitable offer of work without good cause. Iowa Code § 96.5(3)a. Before a claimant can be disqualified for refusing an offer of suitable work, it must be established that a bona fide offer of work was

made to the claimant by a personal contact. 871 IAC 24.24(1)a. Leaving a message for the claimant does not amount to a personal contact. If the employer had personally talked to the claimant, the employer would then have made a bona fide offer. The claimant is not disqualified from receiving benefits as of January 17, 2013.

**DECISION:**

The representative's February 13, 2013 determination (reference 01) is affirmed. Even though the employer's January 17 offer of work was suitable, the employer did not make a bona fide offer. Therefore, the claimant remains qualified to receive benefits.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/pjs