

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CORY P THOMPSON**

Claimant

**APPEAL NO: 11A-UI-15332-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WHIRLPOOL CORPORATION**

Employer

**OC: 11/21/10**

**Claimant: Appellant (2)**

Iowa Code § 96.5(3)a – Refusal to Return to Work

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's November 22, 2011 determination (reference 02) that disqualified him from receiving benefits because he refused a recall to return to work for the employer. The claimant participated in the hearing. The employer did not respond to the hearing notice or participate in the hearing. During the hearing, Claimant Exhibit A was offered and admitted as evidence. Based on the evidence, the claimant's arguments, and the law, the administrative law judge concludes the claimant remains qualified to receive benefits because the employer did not recall him to work on August 12, 2011.

**ISSUE:**

Did the employer recall the claimant to return to work on August 12, 2011?

**FINDINGS OF FACT:**

The claimant started working for the employer in late June 2010. He and other employees were laid off from work on August 1, 2011. The claimant is a union member and his number is 9900. Employers with number before and after his union number were asked to return to work in late September. (Claimant Exhibit A.)

After the claimant was laid off, he kept in contact with the employer because he was trying to get cash from his 401K plan. The claimant did not receive any call or letter asking him to return to work on August 12 or anytime in August 2011. (Claimant Exhibit A.)

The claimant reopened his claim for benefits during the week of July 31, 2011.

**REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if he refuses a recall to return to work. Iowa Code § 96.5(3)a. The facts do not establish that the employer asked the claimant to return to work on August 12 or anytime in August. Therefore, as of August 12, 2011, the claimant remains qualified to receive benefits.

**DECISION:**

The representative's November 22, 2011 determination (reference 02) is reversed. The employer did not recall the claimant to return to work on August 12 or in August 2011. Therefore, as of August 12, 2011, 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/css