

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JACK L SCHOMAKER**  
Claimant

**APPEAL NO: 15A-UI-07269-LDT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**AVENTURE STAFFING**  
Employer

**OC: 09/07/14**

**Claimant: Appellant (2)**

Section 96.5-3-a – Work Refusal

**STATEMENT OF THE CASE:**

Jack L. Schomaker (claimant) appealed a representative's June 16, 2015, decision (reference 03) that concluded he was not qualified to receive unemployment insurance benefits in conjunction with Adventure Staffing (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on July 30, 2015. This appeal was consolidated for hearing with one related appeal, 15A-UI-07270-LDT. The claimant participated in the hearing. Deb Miller appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Is the claimant disqualified due to refusing an offer of suitable work?

**FINDINGS OF FACT:**

The employer is a temporary employment firm. The claimant had an assignment with a business client that ended on May 8, 2015. On about May 18 the employer's local office representative indicated that another business client might be looking to hire and that she could pursue that possibility on his behalf if he was interested. However, she also advised him that if he was interested in returning to the business client where he had just finished an assignment, he should not pursue the possibility of work with the second business client. On May 19 the claimant contacted the local office representative and indicated that he would not be interested in pursuing the possibility of work with the second business client.

**REASONING AND CONCLUSIONS OF LAW:**

The issue in this case is whether the claimant refused a suitable offer of work. Iowa Code § 96.5-3 provides that a claimant will be disqualified for benefits if he has failed without good cause to accept suitable work when offered. However, applying this statute, Rule 871 IAC 24.24(1)a provides that in order for there to be a disqualification for a refusal of work, there must have been a bona fide offer of work to the claimant by personal contact and a definite refusal was made by the claimant.

In this case, there was no bona fide offer of work and no definite refusal of work; it was only a speculative discussion about a possible assignment, not a definite offer of an assignment. Benefits are allowed, if the claimant is otherwise eligible.

**DECISION:**

The representative's June 16, 2015, decision (reference 03) is reversed. The claimant did not refuse a suitable offer of work. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

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Lynette A. F. Donner  
Administrative Law Judge

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Decision Dated and Mailed

ld/mak