

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

BETH A BARTOSCH
3526 CENTRAL AVE
BETTENDORF IA 52722

APAC CUSTOMER SERVICES OF IOWA
c/o TALX UC EXPRESS
PO BOX 283
ST LOUIS MO 63166-0283

Appeal Number: 04A-UI-06536-AT
OC: 05-11-03 R: 04
Claimant: Appellant (2)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-3-a – Refusal of Suitable Work

STATEMENT OF THE CASE:

Beth A. Bartosch filed a timely appeal from an unemployment insurance decision dated June 3, 2004, reference 03, which disqualified her for benefits upon a finding that she refused a suitable offer of work from APAC Customer Services of Iowa on or about May 4, 2004. After due notice was issued, a telephone hearing was held June 28, 2004 with Ms. Bartosch participating. APAC did not respond to the hearing notice.

FINDINGS OF FACT:

Having heard the testimony of the witness and having examined all of the evidence in the record, the administrative law judge finds: Beth A. Bartosch was employed by APAC Customer Services of Iowa in May 2004. She had been placed on paid leave of absence. She contacted her attorney who in turn requested a copy of the e-mail being investigated by the company. The company did not produce the e-mail but sent Ms. Bartosch a letter dated May 4, 2004 indicating that she had declined a position in the pharmaceutical customer service program. No such offer had been made. Ms. Bartosch had not refused one. On May 24, 2004, a fact-finding decision ruled that Ms. Bartosch's separation from employment with APAC had not been a disqualifying event. APAC has not appealed that decision.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence establishes that Ms. Bartosch should be disqualified for benefits for refusing a suitable offer of work. It does not.

Iowa Code Section 96.5-3-a disqualifies an individual for benefits if the individual has refused a suitable offer of work. The evidence in this case establishes that no offer of work was made to Ms. Bartosch on or about May 4, 2004. Under these circumstances, no disqualification may be imposed.

DECISION:

The unemployment insurance decision dated June 3, 2004, reference 03, is reversed. The claimant is entitled to receive unemployment insurance benefits, provided she is otherwise eligible.

tjc/tjc