

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

KIMBERLY S COPELAND
Claimant

APPEAL NO. 17A-UI-06791-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

KAKAR INC
Employer

OC: 04/09/17
Claimant: Respondent (1)

Section 96.4-3 – Able and Available
Section 96.5-3-a – Refusal to Accept Suitable Work

STATEMENT OF THE CASE:

Kakar (employer) appealed a representative's June 23, 2017, decision (reference 03) that concluded Kimberly Copeland (claimant) eligible to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for July 21, 2017. The claimant did not provide a telephone number for the hearing and, therefore, did not participate. The employer participated by Erin Barr, Owner/Operator.

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 April 11, 2013, to April 19, 2017, as a part-time crew trainer. On May 12, 2017, the employer called the claimant and encouraged her to apply for a position with the company. The employer did not notify the claimant of a start date, hours of employment, or a firm rate of pay. The claimant had a good chance of being hired if she applied for work. The claimant did not choose to apply for the position.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the claimant is able and available for work.

Iowa Code section 96.4(3) provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

3. The individual is able to work, is available for work, and is earnestly and actively seeking work. This subsection is waived if the individual is deemed partially unemployed, while employed at the individual's regular job, as defined in section 96.19, subsection 38, paragraph "b", unnumbered paragraph (1), or temporarily unemployed as defined in section 96.19, subsection 38, paragraph "c". The work search requirements of this subsection and the disqualification requirement for failure to apply for, or to accept suitable work of section 96.5, subsection 3 are waived if the individual is not disqualified for benefits under section 96.5, subsection 1, paragraph "h".

There was no evidence that there were any restriction or limitation on employability. Accordingly, benefits are allowed.

The administrative law judge concludes the claimant did not refuse an offer of suitable work.

Iowa Admin. Code r. 871-24.24(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 employer offered to give the claimant a job application and look at it. No 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 June 23, 2017, decision (reference 03) is affirmed. The claimant is able and available for work. She did not refuse an offer of suitable work. Benefits are allowed, provided the claimant is otherwise eligible.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/rvs