

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MICHAEL L GIBERSON
Claimant

APPEAL NO. 07A-UI-09381-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**PER MAR SECURITY & RESEARCH
CORPORATION**
PER MAR SECURITY SERVICES
Employer

OC: 02/07/07 R: 04
Claimant: Respondent (1)

Section 96.5-3-a – Refusal of Suitable Work

STATEMENT OF THE CASE:

The employer filed a timely appeal from the September 28, 2007, reference 05, decision that allowed benefits. After hearing notices were mailed to the parties' last-known addresses of record a telephone hearing was held on October 26, 2007. The claimant participated personally. The employer was represented by Barbara Morin, Hearings Representative, and participated by Sue Newberry, Operations Manager; Nancy Hall, General Manager; and Hiedi Rios, Account Manager. The claimant offered and Exhibit A was received into evidence. The employer offered and Exhibit One was received into evidence.

ISSUE:

The issue is whether the claimant refused an offer of 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 was hired on April 16, 2007, and at the end of his employment was working as a full-time shift supervisor. The claimant complained to the employer about his supervisor, the account manager, and his working conditions on July 27 and 28, 2007. He felt he was treated like a convict because he was not given a desk and keys. He was made to feel inferior because he was not paid at a higher rate and his opinions were not acted upon. The employer investigated the claimant's concerns.

On August 5, 2007, the account manager handed keys to the claimant through a window. She asked the claimant if the keys were what he wanted. She told him that if he wanted her job, he could have it. Then she apologized twice for "being bitchy" and explained that she was ill.

On August 6, 2007, the claimant tendered his resignation. The employer suspended the account manager, investigated and the claimant continued to work. The employer found the complaint unfounded and returned the account manager to work. When the claimant found out the account manager was returned to work, he quit.

On August 16, 2007, the employer met with the claimant and talked about developing a floater job or a shift manager job for the claimant. No job was actually offered.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant refused an offer of suitable work. For the following reasons the administrative law judge concludes he did not.

871 IAC 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 look for work for the claimant. No offer of work was made to the claimant. The claimant is qualified to receive benefits, provided he is otherwise eligible because no offer of suitable work was made to the claimant.

DECISION:

The representative's September 28, 2007 decision (reference 05) is affirmed. The claimant is qualified to receive benefits, provided he is otherwise eligible.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/pjs