

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

DANE A HOEGH
205 PEAR ST
ATLANTIC IA 50022

CONCEPT BUILDERS LTD
1006 SW 7TH ST
ATLANTIC IA 50022

Appeal Number: 05A-UI-02074-CT
OC: 01/16/05 R: 01
Claimant: Respondent (1)

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 Work

STATEMENT OF THE CASE:

Concept Builders, Ltd. filed an appeal from a representative's decision dated February 24, 2005, reference 03, which held that no disqualification would be imposed regarding Dane Hoegh's separation from employment. After due notice was issued, a hearing was held by telephone on March 15, 2005. The employer participated by Darci Richter, Office Manager. Mr. Hoegh did not respond to the notice of hearing.

FINDINGS OF FACT:

Having heard the testimony of the witness and having reviewed all the evidence in the record, the administrative law judge finds: Mr. Hoegh was last employed by Concept Builders, Ltd.

from May 20 until June 14, 2004 as a full-time laborer. He was laid off due to lack of work on June 14 but was not told a specific date on which he was to return to work. At the end of July or beginning of August, the employer attempted to reach Mr. Hoegh by telephone to recall him to work. There was no answer at the number the employer was trying. The employer was unsure as to whether the number attempted was in fact that for Mr. Hoegh. The employer has had no direct contact with Mr. Hoegh since his layoff.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Mr. Hoegh was separated from employment for any disqualifying reason. The employer acknowledges that he was laid off due to lack of work on June 14, 2004. The employer's appeal was based on Mr. Hoegh's failure to return to work after the layoff. However, the evidence establishes that he was not contacted directly regarding a return to work. He was not told at the time of layoff when he should return. Given the employer's uncertainty as to whether the number called was even that of Mr. Hoegh, the administrative law judge concludes that the employer has failed to establish a basis on which to disqualify him from receiving benefits.

DECISION:

The representative's decision dated February 24, 2005, reference 03, is hereby affirmed. Mr. Hoegh was separated from employment for no disqualifying reason and was not recalled to work. Benefits are allowed, provided he satisfies all other conditions of eligibility.

cfc/sc