

Is the claimant qualified to receive unemployment insurance benefits as of August 14, 2005?

FINDINGS OF FACT:

The claimant registered to work for the employer on March 18, 2005. The claimant indicated she was interested in office work.

During the week of August 14, the employer left the claimant a message about a job the employer thought the claimant would be interested in accepting. The claimant returned the employer's call and left a message for Sattizahn. Based on the claimant's message, Sattizahn understood the claimant was not interested in a temp-to-hire position because she only wanted to be hired directly. As a result of Sattizahn's understanding, the employer did not contact the claimant again about an office manager's job in Davenport that paid \$13.00 an hour.

The claimant reopened her claim for benefits during the week of August 14, 2005.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she refuses an offer of suitable work. Iowa Code §96.5-3-a. In deciding whether a claimant failed to accept suitable work, it must be established that the employer made a bona fide offer of work to the claimant by personal contact. For purposes of a recall to work, a registered letter is deemed a personal contact. 871 IAC 24.24(1). Personal contact does not mean leaving a message on an answering machine. To make a bona fide offer of work, the employer must personally talk to a claimant. This was not done in this case. If the employer had personally talked to the claimant, if there were any misunderstandings or incorrect assumptions by either party, the employer and claimant would have an opportunity to clarify and clear up any misunderstandings. The evidence does not establish that the employer made a bona fide offer of work to the claimant. Therefore, as of August 14, 2005, the claimant is not disqualified from receiving unemployment insurance benefits.

DECISION:

The representative's September 15, 2005 decision (reference 06) is affirmed. Since the employer did not make a bona fide offer of work to the claimant, she is not disqualified from receiving unemployment insurance benefits. The claimant remains qualified to receive benefits as of August 14, 2005, provided she meets all other eligibility requirements.

dlw/pjs