

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

FADIL JUKIC  
12726 TANGLEWOOD DR  
URBANDALE IA 50323

HENNING CONSTRUCTION COMPANY  
5800 MERLE HAY RD  
PO BOX 394  
JOHNSTON IA 50131-0394

Appeal Number: 06A-UI-01690-CT  
OC: 11/27/05 R: 02  
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, 4<sup>th</sup> 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.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5(3)a – Refusal of Work

STATEMENT OF THE CASE:

Fadil Jukic filed an appeal from a representative's decision dated February 3, 2006, reference 01, which denied benefits on a finding that he refused recall to suitable work with Henning Construction Company. After due notice was issued, a hearing was held by telephone on March 10, 2006. Mr. Jukic participated personally. The employer participated by Kari Long, Payroll Manager. Zijo Suceska participated as the interpreter.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Jukic began working for Henning Construction Company on February 12, 1996, as a full-time laborer. He was permanently laid off on

November 21, 2005. Some employees were recalled effective December 19, 2005. Mr. Jukic did not receive a call and, therefore, did not return to work on December 19. He later returned to the employment on February 22, 2006, and has been working full time since that point.

#### REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Mr. Jukic refused recall to suitable work. He denied that he had received a call asking him to return to work on December 19. The employer did not present testimony from the individual who said he spoke directly to Mr. Jukic to advise him of the recall. There was nothing to detract from Mr. Jukic's credibility. Given the state of the evidence, the administrative law judge gives more weight to his sworn testimony than to the employer's hearsay testimony concerning the recall. Therefore, it is concluded that Mr. Jukic had no notice that he was expected to return to work on December 19, 2005. Accordingly, no disqualification may be imposed for his failure to return.

#### DECISION:

The representative's decision dated February 3, 2006, reference 01, is hereby reversed. Mr. Jukic did not refuse recall to work with Henning Construction Company. Benefits are allowed, provided he satisfies all other conditions of eligibility.

cfc/kjw