

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

JERICO S SCHMITT
408 JEFFERSON
PO BOX 113
MARNE IA 51552

SCHULER MANUFACTURING CO
63724 RICHLAND DR
GRISWOLD IA 51535

Appeal Number: 06A-UI-00409-H2T
OC: 07-10-05 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)

Iowa Code §96.5(3)a – Work Refusal

STATEMENT OF THE CASE:

The employer filed a timely appeal from the January 6, 2006, reference 03, decision that allowed benefits. After due notice was issued, a hearing was held on January 30, 2006. The claimant did not participate. The employer did participate through Dan Schuler, .Production Manager and Dorland Schuler, Consultant.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: the employer never made an offer of employment to the claimant. The employer was never able to reach the claimant on the phone, only his wife. The employer did not send a registered letter containing the terms of the offer of employment.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant did not refuse a suitable offer of work.

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.

In order to determine whether the claimant did in fact refuse a suitable offer of work, the employer must first establish that an actual offer of work was made to the claimant. No offer of work was ever made to the claimant, nor was a registered letter sent to him containing the terms of the offer. Accordingly, no suitable offer of work was refused by the claimant. Benefits are allowed, provided the claimant is otherwise eligible.

DECISION:

The January 6, 2006, reference 03, decision is affirmed. Benefits are allowed, provided claimant is otherwise eligible.

tkh/pjs