

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JULIO TORREZ

Claimant

APPEAL NO. 13A-UI-09819-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

VICTORY SOLUTIONS INC

Employer

OC: 06/16/13

Claimant: Appellant (2)

Section 96.5-3-a – Refusal to Accept Suitable Work

STATEMENT OF THE CASE:

Julio Torrez (claimant) appealed a representative's August 19, 2013, decision (reference 02) that concluded he was not eligible to receive unemployment insurance benefits because he refused suitable work with Victory Solutions (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for September 30, 2013. The claimant did provide a telephone number for the hearing but could not be reached at the time of the hearing and, therefore, did not participate. The employer participated by Mike Cavalier, Chief Operating Officer; Angie Daniel, Accountant; and Leigh Hummer, Counter Rocket Artillery Mortar Program Manager.

ISSUE:

The issue is whether the claimant refused 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 in 2012, as a full-time operator and worked until approximately June 11, 2013.

In June 2013, the employer began negotiations with the claimant to return to work. The employer did not make an offer of work to the claimant on June 23, 2013. On August 19, 2013, the employer offered the claimant work and the claimant accepted the offer of work.

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 began negotiations with the claimant in June 2013. No offer of work was made to the claimant until August 2013. The claimant is qualified to receive benefits because no offer of suitable work was made to the claimant on June 23, 2013.

DECISION:

The representative's August 19, 2013, decision (reference 02) is reversed. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/pjs