

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**KHAMSAY SIAKHASONE**  
Claimant

**APPEAL NO. 14A-UI-03801-S2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**TEMPWORKS MANAGEMENT  
SERVICES INC**  
Employer

**OC: 02/23/14**  
**Claimant: Respondent (1)**

Section 96.5-3-a – Refusal of Suitable Work

**STATEMENT OF THE CASE:**

Tempworks Management Services (employer) appealed a representative's April 2, 2014 decision (reference 02) that concluded Khamsay Siakhasone (claimant) was eligible to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on April 29, 2014. The claimant did not participate personally. He participated through his wife Holly Siakhasone. The employer participated by Lindi Shannon, Office Manager, and Craig Bell, Staffing Specialist.

**ISSUE:**

The issue is whether the claimant refused an offer of 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 employer is a temporary employer. The claimant was hired on September 11, 2013, as an industrial laborer assigned to work at American Spirit Graphics earning approximately \$8.50 per hour. On February 26, 2014, the claimant went to work and the employer notified him in person he was laid off due to lack of work. The claimant returned home and told his wife there was no work. The claimant filed his claim for unemployment insurance benefits with an effective date of February 23, 2014.

Daily the claimant's wife checked the claimant's telephone for calls from the employer and there were none. The employer testified that a worker who was unavailable for the appeal hearing called the claimant on February 26, 2014, and offered the claimant a job starting immediately. The worker offered the claimant a job for \$12.50 or \$13.50 an hour working as an assembler or a welder on an unknown shift. The claimant refused the job because he either did not want to commute or wanted to take a couple months off. The claimant's wife found the story unbelievable as the hourly rate was so high and the claimant was searching for work daily. The claimant started a new full-time job on April 28, 2014, working for Windsor Windows and was unavailable for the hearing.

**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.

There were no first hand witnesses at the hearing who heard the employer offer the claimant work. If an offer of work was made, the employer cannot indicate which reason the claimant refused the offer of work. If an offer of work was made it is unclear the shift that was offered or the starting date for the job. Due to the lack of information there cannot be a finding that an offer of work was made to the claimant. The claimant is qualified to receive benefits because no offer of suitable work was made to the claimant.

**DECISION:**

The representative's April 2, 2014, decision (reference 02) is affirmed. The claimant is qualified to receive benefits.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

bas/pjs