

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**GILBERTO ZERMENO**

Claimant

**APPEAL NO. 11A-UI-02946-S2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**COMPLETE INTERIORS INC**

Employer

**OC: 01/02/11**

**Claimant: Respondent (1-R)**

Section 96.5-3-a – Refusal of Suitable Work

**STATEMENT OF THE CASE:**

Complete Interiors (employer) appealed a representative's March 9, 2011 decision (reference 02) that concluded Gilberto Zermeno (claimant) was eligible to receive unemployment insurance benefits because there was no offer of work on February 4, 2011. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for April 13, 2011. The claimant did not provide a telephone number for the hearing and, therefore, did not participate. The employer participated by Robert Scott, President.

**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 texted and left messages for the claimant in January 2011, offering the claimant work. The claimant did not respond.

**REASONING AND CONCLUSIONS OF LAW:**

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

The employer did not make contact with the claimant. No 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.

The issue of whether an offer of work was made after the March 9, 2011, representative's decision is remanded for determination.

**DECISION:**

The representative's March 9, 2011 decision (reference 02) is affirmed. The claimant is qualified to receive benefits. The issue of whether an offer of work was made after the March 9, 2011, representative's decision is remanded for determination.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

bas/pjs