

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DANIEL R CLINTON**  
Claimant

**APPEAL NO. 09A-UI-01526-NT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**AVENTURE STAFFING & PROFESSIONAL**  
Employer

**OC: 12/21/08 R: 01**  
**Claimant: Respondent (1)**

Section 96.5-3-a – Refusal/Suitable Work

**STATEMENT OF THE CASE:**

The employer filed a decision from an appeal of a representative dated January 22, 2009, reference 04, which held the claimant eligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on February 19, 2009. The claimant participated. The employer participated by Robert Hardy, Human Resources Assistant.

**ISSUE:**

The issue in this matter is whether the claimant received a bona fide offer of work and whether the claimant refused an offer of suitable work with good cause.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: The claimant worked for Aventure Staffing beginning on September 8, 2008 assigned to work at the Rosenbaum Machine & Tool Company. Mr. Clinton was employed full time on a long term assignment and was paid \$12.50 per hour. The claimant was temporarily laid off between December 22, 2008 and January 5, 2009 due to holiday season shutdown at the Rosenbaum facility. Mr. Clinton expressed the possibility of going out of town during the short-term layoff but did not do so. The claimant remained available for employment, however, he was not contacted by Aventure Staffing and no job offers were made to Mr. Clinton during the short-term layoff. The claimant returned to his normal job assignment through Aventure Staffing at Rosenbaum on January 5, 2009 when work again became available.

**REASONING AND CONCLUSIONS OF LAW:**

The question is whether the evidence in the record establishes that Mr. Clinton refused a bona fide offer of suitable work. It does not.

The evidence in the record establishes that the claimant was not offered temporary employment during a shutdown at his regular work location between December 22, 2008 and January 5,

2009. The claimant had communicated the possibility to his employer that the claimant might go out of town during the short-term layoff, however, the claimant did not do so. The claimant filed a claim for unemployment insurance benefits and held himself available to accept employment, if offered. The claimant was not contacted by Aventure Staffing and refused no offers of suitable work as no bona fide offer of work was made to the claimant.

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.

**DECISION:**

The representative's decision dated January 22, 2009, reference 04, is affirmed. The claimant was able and available for work. Unemployment insurance benefits are allowed, provided the claimant meets all other eligibility requirements of Iowa law.

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Terence P. Nice  
Administrative Law Judge

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Decision Dated and Mailed

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