

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

SUSAN M JOHNSON  
PO BOX 101  
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CASEY'S MARKETING COMPANY  
CASEY'S GENERAL STORE  
C/O TALX UCM SERVICES INC  
PO BOX 283  
ST LOUIS MO 63166-0283

Appeal Number: 05O-UI-04125-S2T  
OC: 12/19/04 R: 03  
Claimant: Respondent (4)

**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, 4<sup>th</sup> 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.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

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

STATEMENT OF THE CASE:

Casey's Marketing Company (employer) appealed a representative's February 11, 2005 decision (reference 03) that concluded Susan Johnson (claimant) eligible to receive unemployment insurance benefits. A hearing was held on May 10, 2005, following due notice pursuant to Remand Order of the Employment Appeal Board dated April 15, 2005. The claimant participated personally. The employer participated by Lisa Larson, Human Resources Coordinator.

FINDINGS OF FACT:

The claimant filed a new claim for unemployment insurance benefits with an effective date of December 19, 2004. In February 2005, the employer discussed hours that were available with the claimant. No offer of work was made to the claimant.

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 she 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 discussed hours of work that were available 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 employer will not be charged.

DECISION:

The unemployment insurance decision dated February 11, 2005 (reference 03) is modified in favor of the appellant. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible. The employer will not be charged.

bas/sc