

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BRYAN D DEWITT
Claimant

APPEAL NO: 14A-UI-08442-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

JOHNSON'S HEATING/AIR CONDITIONING
Employer

OC: 07/13/14
Claimant: Respondent (1)

Section 96.5-3-a – Work Refusal

STATEMENT OF THE CASE:

Johnson's Heating and Air Conditioning (employer) appealed a representative's August 12, 2014 decision (reference 02) that concluded Bryan D. Dewitt (claimant) was qualified to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on September 4, 2014. The claimant participated in the hearing. Boyd Johnson appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Is the claimant disqualified due to refusing an offer of suitable work?

FINDINGS OF FACT:

The claimant started working for the employer on April 19, 2011. He worked full time as an installer. His last day of work was on or about October 5, 2013. He was effectively laid off at that time due to a work-related injury.

On January 9, 2014 the claimant was released as able to return to work and a copy of the release was sent to the employer. The employer did not contact the claimant or otherwise offer work to the claimant.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant refused a suitable offer of work.

Iowa Code § 96.5-3, unnumbered paragraph one, provides:

An individual shall be disqualified for benefits:

3. Failure to accept work. If the department finds that an individual has failed, without good cause, either to apply for available, suitable work when directed by the department

or to accept suitable work when offered that individual. The department shall, if possible, furnish the individual with the names of employers which are seeking employees. The individual shall apply to and obtain the signatures of the employers designated by the department on forms provided by the department. However, the employers may refuse to sign the forms. The individual's failure to obtain the signatures of designated employers, which have not refused to sign the forms, shall disqualify the individual for benefits until requalified. To requalify for benefits after disqualification under this subsection, the individual shall work in and be paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

Rule 871 IAC 24.24(1)a provides:

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 never made an actual offer of work to the claimant after January 8, 2014. Benefits are allowed, if the claimant is otherwise eligible.

DECISION:

The representative's August 12, 2014 decision (reference 02) is affirmed. The claimant did not refuse a suitable offer of work. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/css