

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**EDWARD F PECK**  
Claimant

**APPEAL 21A-UI-25244-DH-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**YODER BUILDERS LLC**  
Employer

**OC: 07/25/21  
Claimant: Respondent (1)**

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Iowa Code § 96.5(3)a - Failure to Accept Work  
Iowa Code § 96.4(3) - Ability to and Availability for Work

**STATEMENT OF THE CASE:**

Employer/appellant, Yoder Builders, LLC., filed an appeal from the November 1, 2021, (reference 01) unemployment insurance decision that allowed benefits, finding no offer of work was made on July 2, 2021. After proper notice, a telephone hearing was conducted on January 12, 2022. Claimant, Edward Peck, participated personally. Employer, participated through Wilbur Yoder, former owner/president. Judicial notice was taken of the administrative records.

**ISSUES:**

Did claimant refuse to apply for or accept an offer of suitable work?  
Is the claimant able to work and available for work?

**FINDINGS OF FACT:**

Having heard the testimony and reviewed the evidence and record, the undersigned finds:

The employer made no offer of employment to claimant on or about July 2, 2021. Because there was no offer of employment made, there was no offer for claimant to refuse to accept. Claimant submitted his claims with his work search record. Claimant was able to and available for work.

While there was testimony regarding an opportunity for claimant to start a taxi service business, a potential opportunity to create a business is not a job offer of employment.

The claimant filed a new claim for unemployment insurance benefits with an effective date of July 25, 2021. The claimant's highest quarter of wages during this base period was the second quarter of 2020, during which claimant's wages totaled \$9,352.00.

**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.

Iowa Admin. Code r. 871-24.24(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 offered to look for work for the claimant. Both parties agree that no offer of work was made to the claimant. The claimant is qualified to receive benefits because no offer of work was made to the claimant. Claimant continued to apply for and make his job searches.

Iowa Code section 96.4(3) provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

3. The individual is able to work, is available for work, and is earnestly and actively seeking work. This subsection is waived if the individual is deemed partially unemployed, while employed at the individual's regular job, as defined in section 96.1A, subsection 37, paragraph "b", subparagraph (1), or temporarily unemployed as defined in section 96.1A, subsection 37, paragraph "c". The work search requirements of this subsection and the disqualification requirement for failure to apply for, or to accept suitable work of section 96.5, subsection 3 are waived if the individual is not disqualified for benefits under section 96.5, subsection 1, paragraph "h".

Claimant was able and available for work.

**DECISION:**

The November 1, 2021, (reference 01) unemployment insurance decision that allowed benefits is **AFFIRMED**. Claimant did not refuse to apply or accept a suitable offer of work and was able and available for work.



Darrin T. Hamilton  
Administrative Law Judge

March 24, 2022  
Decision Dated and Mailed

dh/mh