

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ABDI A ALI
Claimant

APPEAL NO. 11A-EUCU-00867-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

WHIRLPOOL CORPORATION
Employer

OC: 12-19-10
Claimant: Appellant (2)

Iowa Code § 96.5(3)a – Work Refusal

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the December 6, 2011, reference 04, decision that denied benefits finding the claimant refused a suitable offer of work. After due notice was issued, a hearing was held on January 17, 2012. The claimant did participate. The employer did not participate.

ISSUE:

Did the claimant refuse a suitable offer of work?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was laid off from the employer on July 29, 2011. He never received any notification from the company that he was being recalled from layoff. No notice either via telephone or by certified mail.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant did not refuse a suitable offer of 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 Administrative Law Judge concludes that the claimant was never given an offer to return to work. There is no evidence to support a conclusion that the employer actually spoke to the claimant or notified him by certified mail that he was being recalled to work. Without evidence of an offer of work, there is nothing to evaluate to determine whether the offer was suitable.

DECISION:

The December 6, 2011, reference 04, decision is reversed. Claimant did not refuse a suitable offer of work as no offer to return to work from layoff was ever made to him. Benefits are allowed, provided claimant is otherwise eligible.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/css