

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

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GREAT PLAINS COMPANIES INC
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Appeal Number: 06A-UI-04531-S2T
OC: 03/26/06 R: 03
Claimant: Respondent (1)

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, 4th 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.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-3-a – Refusal of Suitable Work
871 IAC 24.39(2) – Department Approved Training – Able and Available

STATEMENT OF THE CASE:

Great Plains Companies (employer) appealed a representative's April 25, 2006 decision (reference 05) that concluded George Robbins (claimant) was eligible to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on May 11, 2006. The claimant did not provide a telephone number where he could be reached and, therefore, did not participate. The employer participated by Steve Baker, Plant Manager.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on August 2, 2005, as a full-time builder/truss fabricator. The claimant was laid off from work due to lack of work on October 6, 2005. The claimant took other employment in November 2005. The other employment required him to attend schooling for the week ending April 1, 2006. The claimant filed his claim for unemployment insurance benefits on March 26, 2006, and was approved for Department Approved Training for the week ending April 1, 2006. On or about April 1, 2006, the employer left messages for the claimant and spoke with the claimant's mother about the claimant coming back to work. The employer never heard from the claimant. The claimant never received the messages.

REASONING AND CONCLUSIONS OF LAW:

The first issue is whether the claimant refused an offer of suitable work. For the following reasons, the administrative law judge concludes he 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 did not actually make contact 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. Furthermore, the able and available requirement is waived due to claimant's Department Approved Training status pursuant to 871 IAC 24.39(2).

DECISION:

The representative's April 25, 2006 decision (reference 05) is affirmed. Benefits are allowed, provided the claimant is otherwise eligible. Employer's account shall not be charged for benefits paid during claimant's eligibility for Department Approved Training.

bas/kkf