

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JOHN K LOVELADY**  
Claimant

**APPEAL NO. 15A-UI-00444-S2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**AAA CONCRETE**  
Employer

**OC: 11/16/14  
Claimant: Respondent (1)**

Section 96.5-3-a – Refusal of Suitable Work

**STATEMENT OF THE CASE:**

AAA Concrete (employer) appealed a representative's January 12, 2015, decision (reference 02) that concluded John Lovelady (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 February 4, 2015. The claimant participated personally. The employer participated by Jason Martin, Project Manager. The employer offered and Exhibit One was received into evidence.

**ISSUE:**

The issue is whether the claimant refused an offer of suitable work.

**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 working on and off for the employer. On December 11, 2014, the employer left the claimant a voice mail message telling the claimant to be at Rock Creek State Park at 7:30 a.m. on December 12, 2014. The claimant did not receive the message. The claimant filed his claim for unemployment insurance benefits on November 16, 2014.

**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 he did not.

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 did not actually speak to the claimant. No true 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.

**DECISION:**

The representative's January 12, 2015, decision (reference 02) is affirmed. The claimant is qualified to receive benefits.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

bas/pjs