

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

TONIA S HINZMAN  
115 S RUSTIN ST  
SIOUX CITY IA 51105

SIOUXLAND RECOVERY INC  
1100 CUNNINGHAM DR  
SIOUX CITY IA 51107

RICHARD STURGEON  
PO BOX 3372  
SIOUX CITY IA 51102

Appeal Number: 04A-UI-10642-SWT  
OC: 01/04/04 R: 01  
Claimant: Appellant (2)

**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, 4<sup>th</sup> 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 - Failure to Accept Suitable Work

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated September 21, 2004, reference 03, that concluded the claimant had failed to accept an offer of suitable work without good cause. A telephone hearing was held on October 21, 2004. The parties were properly notified about the hearing. The claimant participated in the hearing with her representative, Richard Sturgeon. No one participated in the hearing on behalf of the employer.

FINDINGS OF FACT:

The claimant worked for the employer until the end of December 2003. She went on maternity leave and was told that she could not return to work until her baby was born and her doctor released her. The claimant's baby was born on July 15, 2004, and the doctor released her to return to work on August 30, 2004.

The claimant submitted her doctor's release to the human resources director on August 27, 2004, and told him that she was ready to return to work. The director initially told the claimant that she would be doing dirty work for two weeks at the Sioux City plant where she had previously work and then transferred to work at the Jackson, Nebraska, facility. Later in the conversation, the human resources director told the claimant that he did not think it would work out for her to work at the Jackson facility because one of the owners did not want her to be reemployed. The claimant understood that she was not being recalled to work at that point.

#### REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant is subject to disqualification for failing to accept an offer of suitable work without good cause as provided in Iowa Code section 96.5-3-a. The unemployment insurance rules provide, however, that before a person is disqualified, the claimant must have been given a bona fide job offer, which means a definite offer of work. 871 IAC 24.24(1). In this case, the evidence fails to establish the claimant was given a definite offer of work.

#### DECISION:

The unemployment insurance decision dated September 21, 2004, reference 03, is reversed. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

saw/pjs