

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**SAMUEL A ORADE**  
Claimant

**APPEAL NO. 12A-UI-14462-H2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**K-CONSTRUCTION INC**  
Employer

**OC: 04/01/12**  
**Claimant: Respondent (1)**

Iowa Code § 96.5(3)a – Work Refusal

**STATEMENT OF THE CASE:**

The employer filed a timely appeal from the December 6, 2012, reference 01, decision that allowed benefits. After due notice was issued, a hearing was held on February 5, 2013. The claimant did not participate. The employer did participate through Kendall Knospe.

**ISSUE:**

Did the claimant refuse to accept 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 employed as a bridge builder through the fourth quarter of 2011 when he was laid off due to lack of work. He worked in the state of Iowa. When the employer attempted to call him to return to work they were unable to reach him because he was no longer living at the address he provided nor was his telephone number working. The employer later found out during the fact-finding interview that the claimant had moved out of state to Georgia. The claimant called the employer and left an address where he wanted his W-2 sent. The employer never mailed the claimant a certified letter to that address asking that he return to work.

**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 employer was never able to reach the claimant to ask him to return to work. The employer had an address where they could have mailed a certified letter asking the claimant to return to work, but did not do so. Under these circumstances the administrative law judge is unable to conclude that an offer of return to work was actually made to the claimant. Since no actual offer of return to work was made, the claimant cannot be found to have refused an offer. Benefits are allowed, provided the claimant is otherwise eligible.

**DECISION:**

The December 6, 2012, reference 01, decision is affirmed. Claimant did not refuse a suitable offer of work. Benefits are allowed, provided claimant is otherwise eligible.

---

Teresa K. Hillary  
Administrative Law Judge

---

Decision Dated and Mailed

tkh/css