

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

OLIVIA HOLLIS
Claimant

APPEAL NO. 15A-UI-09508-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

IAC IOWA CITY LLC
Employer

OC: 09/07/14
Claimant: Respondent (1)

Section 96.5-3-a – Refusal to Accept Suitable Work

STATEMENT OF THE CASE:

IAC Iowa City (employer) appealed a representative's August 12, 2015, decision (reference 02) that concluded Olivia Hollis (claimant) eligible to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for September 22, 2015. The claimant did not provide a telephone number for the hearing and, therefore, did not participate. The employer was represented by Jennifer Rice, Appellant Hearing Representative and participated by Ronald Udell, Human Resource Manager.

ISSUE:

The issue is whether the claimant refused 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 hired on December 8, 2014, as a full-time finish operator working in Iowa. Her last day of work was June 25, 2015. The claimant asked for some time off because her brother was gravely ill. The employer allowed her time off on June 26, 2015. The claimant did not appear for work or notify the employer of her absence on June 29 and July 1, 2015. After this the claimant had time off for the July 4, 2015, holiday.

The employer planned a layoff of workers from July 6 to July 20, 2015. It posted signs about the layoff before the claimant left in June 2015. The employer did not speak to the claimant or send the claimant a letter but thought the claimant should know to return to work on July 20, 2015, after the layoff. The claimant did not return to work on July 20, 2015. The claimant had relocated to Arizona.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant did not refuse suitable work.

Iowa Admin. Code r. 871-24.24(11) provides:

(11) Bulletin board notice of work. A bulletin board notice for employees to work during a plant shutdown shall not constitute an offer of work by the company. Such offer of work must be by personal contact to the employee.

(13) Claimant moved to another state. A claimant who moves to another state shall not be subject to disqualification for refusal to return to a previously held job.

Posted notices of work do not constitute offers of work by the company. In this case, the work was offered by posting, not by personal contact. In addition, the claimant had moved from Iowa to Arizona and cannot be disqualified from receiving unemployment insurance benefits for not returning to her previously held job. Benefits are allowed, provided claimant is otherwise eligible.

DECISION:

The representative's August 12, 2015, decision (reference 02) is affirmed. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/PJS