

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MICHELLE A CASTILLO**

Claimant

**APPEAL NO. 12A-UI-07750-AT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**HIGHLAND COMMUNITY SCHOOL DIST**

Employer

**OC: 05/27/12**

**Claimant: Respondent (1)**

Section 96.5-3-a – Refusal of Suitable Work  
871 IAC 24.24(8) – Refusal Jurisdiction

**STATEMENT OF THE CASE:**

Highland Community School District filed a timely appeal from an unemployment insurance decision dated June 20, 2012, reference 01, that allowed benefits to Michelle A. Castillo. After due notice was issued, a telephone hearing was held July 19, 2012 with Ms. Castillo participating. The district did not provide the name and telephone number of any witnesses.

**ISSUE:**

Should the claimant be disqualified for benefits for refusing a suitable offer of work?

**FINDINGS OF FACT:**

Michelle A. Castillo filed a claim for unemployment insurance benefits effective May 27, 2012. After that date, Highland Community School District notified Ms. Castillo of two job vacancies, but it did not make a specific offer of employment to her for either vacancy. Ms. Castillo turned down a job offer from the district prior to May 27, 2012.

**REASONING AND CONCLUSIONS OF LAW:**

The question is whether the claimant should be disqualified for benefits for refusing a suitable offer of work. She should not.

Iowa Code section 96.5-3-a disqualifies an individual for benefits if the individual has refused a suitable offer of work. The agency's jurisdiction to disqualify an individual for benefits under these circumstances does not begin until the individual has filed a claim for unemployment insurance benefits. See 871 IAC 24.24(8). Offers and refusals made prior to an individual requesting unemployment insurance benefits cannot be the basis for disqualification.

Ms. Castillo testified that since she filed her claim for benefits she has been told of two vacancies in the district. The administrative law judge concludes that this information does not constitute a bona fide offer of work as defined in 871 IAC 24.24(1)a. At most, the information

constituted the district's invitation to Ms. Castillo to enter negotiations. No disqualification may be imposed.

**DECISION:**

The unemployment insurance decision dated June 20, 2012, reference 01, is affirmed. The claimant is entitled to receive unemployment insurance benefits, provided she is otherwise eligible.

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Dan Anderson  
Administrative Law Judge

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Decision Dated and Mailed

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