

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

CASEY J HINES

Claimant

APPEAL 14A-UI-12934-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

REMEDY INTELLIGENT STAFFING INC

Employer

OC: 11/16/14

Claimant: Respondent (1)

Iowa Code §96.5(3)a – Work Refusal

STATEMENT OF THE CASE:

The employer filed an appeal from the December 9, 2014 (reference 01) unemployment insurance decision that allowed benefits. The parties were properly notified about the hearing. A telephone hearing was held on January 5, 2014. Claimant participated. Employer participated through Julie Coughlin, Branch Manager.

ISSUES:

Did the claimant refuse to accept a suitable offer of work?

Is the claimant able to and available for work?

FINDINGS OF FACT:

Employer left two voice mail messages for claimant on November 6 and November 7 to indicate they wanted to interview the claimant for the back-up supervisor job. The claimant never received any of those messages. No actual offer of work was made to the claimant. Additionally the claimant did not have a claim for benefits pending at the time the messages were allegedly left for him. The claimant's original claim date is November 16, 2014.

REASONING AND CONCLUSIONS OF LAW:

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

Iowa Admin. Code r. 871-24.24(1)a, (8) 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.

(8) Refusal disqualification jurisdiction. Both the offer of work or the order to apply for work and the claimant's accompanying refusal must occur within the individual's benefit year, as defined in subrule 24.1(21), before the Iowa code subsection 96.5(3) disqualification can be imposed. It is not necessary that the offer, the order, or the refusal occur in a week in which the claimant filed a weekly claim for benefits before the disqualification can be imposed.

The administrative law judge does not have jurisdiction to evaluate the offer or refusal of work since the offer of employment took place outside of the benefit year. Additionally, leaving a voice mail message or messages is considered an offer of employment under the above-cited administrative rule. Benefits are allowed.

DECISION:

The December 9, 2014 (reference 01) decision is affirmed. No offer was made to claimant during a claim year, thus, the administrative law judge has no jurisdiction to determine suitability of the offer. Benefits are allowed, provided claimant is otherwise eligible.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

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