

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BRADLEY J HENN
Claimant

APPEAL NO. 12A-UI-00612-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**LARSON MANUFACTURING COMPANY OF
SOUTH DAKOTA INC**
Employer

**OC: 12/18/11
Claimant: Appellant (2)**

Section 96.4-3 – Eligibility for Benefits

STATEMENT OF THE CASE:

Bradley J. Henn filed a timely appeal from an unemployment insurance decision dated January 9, 2012, reference 01, that denied benefits to him for the two weeks ending December 31, 2011. After due notice was issued, a telephone hearing was held February 28, 2012 with Mr. Henn participating. Manufacturing Operations Manager Dan Hemmen participated for the employer, Larson Manufacturing Company.

ISSUE:

Was the claimant eligible for unemployment insurance benefits for the two weeks ending December 31, 2011?

FINDINGS OF FACT:

Bradley J. Henn is a second shift employee of Larson Manufacturing Company. In late November the employer asked second shift employees if they wished to work or take time off during the two weeks ending December 31, 2011. Mr. Henn indicated that he wished to work. The company later determined that it would not run the second shift for the two weeks in question. Mr. Henn's supervisor told him that there would be no work available on first shift for Mr. Henn's job classification. Mr. Henn did not understand that other work would have been available.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the claimant is eligible for unemployment insurance benefits for the two weeks ending December 31, 2011.

Iowa Code section 96.4-3 provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

3. The individual is able to work, is available for work, and is earnestly and actively seeking work. This subsection is waived if the individual is deemed partially unemployed, while employed at the individual's regular job, as defined in section 96.19, subsection 38, paragraph "b", unnumbered paragraph 1, or temporarily unemployed as defined in section 96.19, subsection 38, paragraph "c". The work search requirements of this subsection and the disqualification requirement for failure to apply for, or to accept suitable work of section 96.5, subsection 3 are waived if the individual is not disqualified for benefits under section 96.5, subsection 1, paragraph "h".

The evidence establishes that Mr. Henn was willing to work his normal hours and duties during the two weeks ending December 31, 2011. The evidence does not establish that Mr. Henn understood that work outside his normal classification would have been available on the first shift during these weeks. Under these circumstances, benefits are allowed.

DECISION:

The unemployment insurance decision dated January 9, 2012, reference 01, is reversed. The claimant is entitled to receive unemployment insurance benefits for the two weeks ending December 31, 2011.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

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