

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KEVIN L PETERSON
Claimant

APPEAL NO. 12A-UI-00659-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

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

OC: 12/18/11
Claimant: Appellant (1)

Section 96.4-3 – Eligibility for Benefits

STATEMENT OF THE CASE:

Kevin L. Peterson filed a timely appeal from an unemployment insurance decision dated January 9, 2012, reference 01, that denied unemployment insurance benefits to him for the two weeks ending December 31, 2011. After due notice was issued, a telephone hearing was held February 23, 2012 with Mr. Peterson 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:

In November 2011, Kevin L. Peterson was a second shift employee of Larson Manufacturing Company. He requested time off for the two weeks ending December 31, 2011. He was later offered first shift work for those two weeks. He declined.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 96.4-3 establishes general eligibility requirements. For each week that an individual requests unemployment insurance benefits, the individual must be unemployed through no fault of his or her own. The evidence in this record establishes that Mr. Peterson had requested time off from his second shift job for the two weeks ending December 31, 2011 and also declined first shift hours for those two weeks. Under the circumstances, he is not eligible to receive unemployment insurance benefits.

DECISION:

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

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs