

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

THOMAS L SOLOMONSON
Claimant

APPEAL NO. 12A-UI-00622-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:

Thomas L. Solomonson filed a timely appeal from an unemployment insurance decision dated January 9, 2012, reference 01, that denied benefits for the two weeks ending December 31, 2011. After due notice was issued, a telephone hearing was held February 21, 2012 with Mr. Solomonson participating. Manufacturing Operations Manager Dan Hemmen participated for the employer, Larson Manufacturing Company of South Dakota.

ISSUE:

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

FINDINGS OF FACT:

In November 2011, Thomas L. Solomonson filled out a voluntary request for time off form requesting unpaid time off for the two weeks between December 18 and 31, 2011. Mr. Solomonson completed that form as a member of the second shift. The company later offered work to Mr. Solomonson on the first shift for the two weeks in question. He declined the offer.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 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 in this record persuades the administrative law judge that Mr. Solomonson initially requested unpaid time off from his second shift position and later declined the opportunity to work on the first shift during the two weeks ending December 31, 2011. Since Mr. Solomonson chose not to work, he is not eligible for unemployment insurance benefits.

DECISION:

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

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs