

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SABRINA J JENSEN
Claimant

APPEAL NO. 12A-UI-00593-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**LARSON MANUFACTURING OF
SOUTH DAKOTA INC**
Employer

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

Section 96.4-3 – Eligibility for Benefits

STATEMENT OF THE CASE:

Sabrina J. Jensen filed a timely appeal from an unemployment insurance decision dated January 9, 2012, reference 01, that denied benefits to her for the two weeks ending December 31, 2011. After due notice was issued, a telephone hearing was held February 23, 2012 with Manufacturing Operations Manager Dan Hemmen participating for the employer. Ms. Jensen did not provide a telephone number at which she could be contacted.

ISSUE:

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

FINDINGS OF FACT:

In November 2011 Sabrina J. Jensen was a second shift employee of Larson Manufacturing Company. She requested time off for the two weeks ending December 31, 2011. The company later offered Ms. Jensen work on the first shift for the two weeks in question. She declined.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the claimant is eligible for benefits for the two weeks ending December 31, 2011. She is not.

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".

In order to be eligible for benefits an individual must be unemployed through no fault of his or her own. The evidence in this record establishes that Ms. Jensen requested time off from her normal shift for the two weeks ending December 31, 2011 and then declined work on the first shift for those weeks. Under these circumstances, she 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

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