

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**YOSIYA J NGWESHE**  
Claimant

**WHIRLPOOL CORPORATION**  
Employer

**APPEAL 21A-UI-19759-DH-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 07/11/21  
Claimant: Appellant (1)**

Iowa Code § 96.5(1) - Voluntary Quit  
Iowa Code § 96.5(2)a - Discharge for Misconduct  
Iowa Admin. Code r. 871-24.22(2)j(2) - Leave of Absence - Voluntary Quit

**STATEMENT OF THE CASE:**

Claimant filed an appeal on September 7, 2021 from the August 30, 2021, (reference 01) unemployment insurance decision that denied benefits based upon claimant voluntarily quitting on April 28, 2021. The parties were properly notified of the hearing. A telephone hearing was held on October 28, 2021. The claimant, Yosiya Ngweshe, participated. The employer, Whirlpool Corporation, failed to respond to the hearing notice and provide a telephone number at which they could be reached for the scheduled hearing. Judicial notice was taken of the administrative filed and the contents therein.

**ISSUE:**

Was the separation a layoff, discharge for misconduct or a voluntary quit without good cause?

**FINDINGS OF FACT:**

Having heard the testimony and reviewed all of the evidence in the record, the administrative law judge finds: Claimant's first day of work was October 20, 2020 and their last day worked was March 28, 2021. Claimant went to the employer on March 29, 2021 for a leave of absence and was approved for one month. Toward the end of the month, they needed one more month and called the employer, who advised they were approved for one month of leave, and when you come back, we'll have to talk. Claimant came back toward the end of May 2021, only to find their badge did not work. Claimant went to the security shack to inquire why the badge did not work and learned they were let go April 28, 2021, when they did not return from their approved leave of absence.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant voluntarily quit their employment due to claimant not returning to work after the end of their approved leave.

Iowa Admin. Code r. 871-24.22(2)j(2) provides:

Benefit eligibility conditions. For an individual to be eligible to receive benefits the department must find that the individual is able to work, available for work, and earnestly and actively seeking work. The individual bears the burden of establishing that the individual is able to work, available for work, and earnestly and actively seeking work.

j. Leave of absence. A leave of absence negotiated with the consent of both parties, employer and employee, is deemed a period of voluntary unemployment for the employee-individual, and the individual is considered ineligible for benefits for the period.

(2) If the employee-individual fails to return at the end of the leave of absence and subsequently becomes unemployed the individual is considered as having voluntarily quit and therefore is ineligible for benefits.

Claimant was on an approved leave of absence for one month. While claimant attempted to obtain more leave, no additional leave was approved. Claimant returned to work toward the end of May, to learn they were let go April 28, 2021 for not returning to work when their approved leave ended.

**DECISION:**

The August 30, 2021, (reference 01) unemployment insurance decision is **AFFIRMED**. Claimant's voluntarily quit is without good cause attributable to the employer. Benefits are withheld until such time as they have worked in and been paid wages for insured work equal to ten times their weekly benefit amount, provided they are otherwise eligible.

  
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Darrin T. Hamilton  
Administrative Law Judge

November 17, 2021  
Decision Dated and Mailed

dh/ol