

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BRIDGET C RIVERS
Claimant

APPEAL NO: 11A-UI-05001-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

PARKER CASSIDY SUPPLY CO
Employer

OC: 10/31/10
Claimant: Appellant (4)

871 IAC 24.23(10) – Approved Leave of Absence

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's April 13, 2011 determination (reference 03) that held her ineligible to receive benefits as of March 20, 2011, because she had requested and had been granted a leave of absence until April 1, 2011. The claimant participated in the hearing. Maureen Zaehringer, the office manager, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge finds the claimant is not eligible to receive benefits until April 1, 2011, when her leave of absence ends.

ISSUE:

Is the claimant eligible to receive benefits while she is on an approved leave of absence?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of October 31, 2010. She started working for the employer on December 27, 2010. The employer hired her to work about 20 hours a week as an office clerk. The claimant requested and was granted a leave of absence from March 1 through April 1, 2011. The claimant was on maternity leave. The claimant returned to work on April 1, 2011, when one of physicians released her to work.

The claimant reopened her claim during the week of March 20, 2011. She filed claims for the weeks ending March 26 and April 2, 2011, but did not receive benefits these weeks.

REASONING AND CONCLUSIONS OF LAW:

When a claimant requests and is granted a leave of absence, she is not eligible to receive benefits during the requested leave. 871 IAC 24.23(10). Since the claimant's leave of absence did not end until April 1, the claimant is not eligible to receive benefits March 20 through April 1. As of April 3, 2011, the claimant is eligible to receive benefits, if she meets all other eligibility requirements. .

DECISION:

The representative's April 13, 2011 determination (reference 03) is modified in the claimant's favor. While she was on an approved leave of absence, March 1 through April 1, she is not eligible to receive benefits. As of April 3, 2011, the claimant is eligible to receive benefits, provided she meets all other eligibility requirements.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs