

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ZORANA D WORTHAM
Claimant

APPEAL NO. 12A-UI-08671-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

CITY OF DUBUQUE
Employer

OC: 06/10/12
Claimant: Appellant (1)

871 IAC 24.23(10) – Voluntary Leave of Absence

STATEMENT OF THE CASE:

Zorana Wortham (claimant) appealed a representative's July 10, 2012 decision (reference 04) that concluded she was not eligible to receive unemployment insurance benefits as of June 10, 2012, because she requested and was granted a leave of absence from work with City of Dubuque (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for August 14, 2012. The claimant participated personally. The employer participated by Regina Noel, personnel assistant, and Marie Ware, leisure services manager.

ISSUE:

The issue is whether the claimant is available for work.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and having considered all of the evidence in the record, finds that: The claimant worked for the employer from March 19, to May 23, 2012. During her employment, the claimant was pregnant. Her physician told the claimant that she could not work or commute the two hours one way to work as of May 24, 2012. The employer allowed the claimant to take a leave of absence as of May 24, 2012. The claimant had her baby on July 27, 2012. Her physician has restricted her from working and she anticipates returning to work on September 10, 2012. The employer considers the claimant to be employed but on medical leave.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes the claimant is eligible to receive unemployment insurance benefits.

871 IAC 24.23(10) provides:

(10) The claimant requested and was granted a leave of absence, such period is deemed to be a period of voluntary unemployment and shall be considered ineligible for benefits for such period.

When an employee requests and is granted a leave of absence, she is considered to be voluntarily unemployed. The claimant requested a medical leave of absence by way of providing doctor's notes to the employer. The employer granted her request. The request was initiated by the claimant. She is considered to be voluntarily unemployed during the period of the medical leave of absence. The claimant is not eligible to receive unemployment insurance benefits from May 24, 2012, due to her voluntary unemployment.

DECISION:

The representative's July 10, 2012 decision (reference 04) is affirmed. The claimant is not eligible to receive unemployment insurance benefits from May 24, 2012, due to her voluntary unemployment.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/kjw