

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**PARVEEM PATHAN**  
Claimant

**APPEAL NO. 07A-UI-06604-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**THE UNIVERSITY OF IOWA**  
Employer

**OC: 06/03/07 R: 03**  
**Claimant: Appellant (2)**

Section 96.4-3 – Ability to and Availability for Work  
871 IAC 24.1(113) - Layoff

**STATEMENT OF THE CASE:**

Parveem Pathan (claimant) appealed a representative's June 26, 2007 decision (reference 02) that concluded she was not eligible to receive benefits as of June 3, because she had requested and The University of Iowa (employer) granted her a leave of absence. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on August 7, 2007. The claimant participated in the hearing.

Prior to the hearing, the employer informed the Appeals Section in a July 25 letter that the employer would not be participating in the hearing because the employer did not contest the claimant's receipt of benefits. During the hearing, Claimant Exhibit A was offered and admitted as evidence. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Is the claimant eligible to receive benefits as of June 3, 2007?

**FINDINGS OF FACT:**

The employer hired the claimant to work as a temporary worker in the food and nutrition department. The employer hired the claimant to work a maximum number of hours during a fiscal year. As of May 18, 2007, the claimant had worked all the hours she had been hired to work. The employer planned to rehire the claimant in July 2007 when a new fiscal year began. (Claimant Exhibit A.)

The employer did not have any work for the claimant in June, but hired her again in July. The claimant established a claim for unemployment insurance benefits during the week of June 3, 2007.

**REASONING AND CONCLUSIONS OF LAW:**

Each week a claimant files a claim for benefits, she must be able to and available for work. Iowa Code § 96.4-3. If the claimant had requested and had been granted a leave of absence, she would not be available for work. 871 IAC 24.22(2)(j). The facts of this case, however, establish that the claimant was not on a requested leave of absence. Instead, the claimant had worked all the hours the employer had hired her to work for a fiscal year by mid or late May. As a result, the employer had to layoff the claimant from work in June even though the claimant was able to and available for work. As soon as the new fiscal year began, the claimant returned to work. Since a layoff from work does not disqualify a claimant from receiving benefits, 871 IAC 24.1(113), the claimant is eligible to receive unemployment insurance benefits as of June 3, 2007.

**DECISION:**

The representative's June 26, 2007 decision (reference 02) is reversed. The claimant did not request a leave of absence. Instead, she completed the job she had been hired to do in a fiscal year. The employer had to essentially place the claimant on a temporary layoff until the beginning of a new fiscal year. As of June 3, 2007, the claimant is eligible to receive unemployment insurance benefits.

---

Debra L. Wise  
Administrative Law Judge

---

Decision Dated and Mailed

dlw/css