

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CAROL J EDMAN
Claimant

APPEAL NO: 11A-UI-04450-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ELECTROLUX HOME PRODUCTS INC
Employer

OC: 07/25/10
Claimant: Appellant (4)

871 IAC 24.23(10) – Approved Leave of Absence

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's March 31, 2011 determination (reference 01) that held her ineligible to receive benefits as of February 13, 2011, because she was on an approved leave of absence. The claimant participated in the hearing. The employer did not respond to the hearing notice or participate in the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge concludes the claimant is not eligible to receive benefits until April 3, 2011.

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 July 25, 2010. While she worked for the employer she requested and was granted a leave of absence in late November or early December 2010. The claimant's leave of absence ended April 1, 2011. As of April 1, the claimant's doctor released her to return to work. The claimant could not return to work for the employer because the employer closed its business on March 31, 2011.

REASONING AND CONCLUSIONS OF LAW:

When a claimant requests and is granted a leave of absence, she is considered to be voluntarily unemployed during the leave of absence and is not eligible to receive benefits. 871 IAC 24.23(10). Even though the claimant's doctor released her to return to work as of April 1, a Friday, she was not released to work a majority of that week. The claimant is eligible to receive benefits of April 3, 2011.

DECISION:

The representative's March 31, 2011 determination (reference 01) is modified in the claimant's favor. The claimant is not eligible to receive benefits from February 13 through April 2, 2011, because she was on a leave of absence. However, 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