

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

DAWN V VERNON
Claimant

PELLA CORPORATION
Employer

**APPEAL 20A-UI-11584-AW-T
ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 06/07/20
Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quitting
Iowa Admin. Code r. 871-24.22(2)j – Benefit Eligibility – Leave of Absence

STATEMENT OF THE CASE:

Claimant filed an appeal from the September 16, 2020 (reference 01) unemployment insurance decision that denied benefits. The parties were properly notified of the hearing. A telephone hearing was held on October 28, 2020, at 1:00 p.m. Claimant participated. Employer participated through Chelsea Coffey, Human Resources Representative, and Kayla Stehlik, Production Manager. Claimant's Exhibits A - C were admitted. Official notice was taken of the administrative record.

ISSUE:

Whether claimant's separation was a voluntary quit without good cause attributable to employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed as a full-time General Specialist from April 10, 2017 until her employment with Pella Corporation ended on May 4, 2020.

Employer has a policy that provides employees may request a leave of absence from January 1st until March 31st each year. This is considered the "leave of absence season." For 2020, the season was extended through April 30th. The policy also states that failure to return from the leave of absence will result in separation of employment. The policy is included in the handbook. Claimant received a copy of the handbook and was aware of the policy.

Claimant requested a leave of absence from March 26, 2020 until May 4, 2020. Employer granted claimant's request. On April 26, 2020, claimant informed employer that she would not be able to return to work by May 4, 2020 and requested a three-week extension. Employer denied claimant's request. Employer told claimant that if she did not return to work by May 4, 2020, that her employment would end. Claimant did not return to work by May 4, 2020. Employer processed claimant's separation from employment based upon her failure to return from the approved leave of absence.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant voluntarily quit her employment and is not eligible for benefits.

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

(1) If at the end of a period or term of negotiated leave of absence the employer fails to reemploy the employee-individual, the individual is considered laid off and eligible for benefits.

(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.

(3) The period or term of a leave of absence may be extended, but only if there is evidence that both parties have voluntarily agreed.

(emphasis added).

In this case, claimant was on an approved leave of absence until May 4, 2020. Claimant did not return to work on May 4, 2020. Therefore, claimant's separation from employment is considered a voluntary quit and claimant is not eligible for benefits. Benefits are denied.

DECISION:

The September 16, 2020 (reference 01) unemployment insurance decision is affirmed. Claimant voluntarily quit her employment by failing to return to work after an approved leave of absence. Benefits are denied until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.



Adrienne C. Williamson
Administrative Law Judge
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November 2, 2020
Decision Dated and Mailed

acw/scn