

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

ZIJAD HODZIC
1126 PATTON AVE
WATERLOO IA 50702

TYSON FRESH MEATS INC
c/o TALX UC EXPRESS
PO BOX 283
ST LOUIS MO 63166-0283

Appeal Number: 06A-UI-06130-CT
OC: 04/30/06 R: 03
Claimant: Appellant (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.4(3) – Able and Available

STATEMENT OF THE CASE:

Zijad Hodzic filed an appeal from a representative's decision dated June 7, 2006, reference 01, which denied benefits on a finding that he was on a leave of absence. After due notice was issued, a hearing was held by telephone on July 6, 2006. Mr. Hodzic participated personally. The employer participated by Jerome Rinken, General Supervisor.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Hodzic began working for Tyson Fresh Meats, Inc. on May 16, 1997 as a full-time production worker. On May 1, 2006, he began a leave of

absence under the Family and Medical Leave Act. The leave was due to the fact that his wife underwent surgery on May 2. Mr. Hodzic remained home to care for his wife because she was limited in what she could do. It was also necessary that he care for their children while his wife was incapacitated.

Mr. Hodzic's leave of absence was to expire on June 1 but it was extended through June 16. He returned to full-time employment with Tyson Fresh Meats, Inc. on June 19 and continues to work there.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Mr. Hodzic is entitled to job insurance benefits on his claim filed effective April 30, 2006. He was unemployed at that time because of a leave of absence that he requested. An individual who is on a requested leave of absence is considered voluntarily unemployed and is not eligible to receive job insurance benefits during the leave of absence. 871 IAC 24.22(2)j.

In order for an individual to receive job insurance benefits, he must be available for work. Iowa Code section 96.4(3). During the time he was on the leave of absence, Mr. Hodzic could not work because he was caring for his wife and children. For the reasons stated herein, the administrative law judge concludes that he is not entitled to job insurance benefits on his claim filed effective April 30, 2006 as he was voluntarily unemployed and not available for work.

DECISION:

The representative's decision dated June 7, 2006, reference 01, is hereby affirmed. Mr. Hodzic is not entitled to job insurance benefits effective April 30, 2006 as he was voluntarily unemployed due to his requested leave of absence. Benefits are denied until such time as he is available for work within the meaning of the law, provided he satisfies all other conditions of eligibility.

cfc/pjs