

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

AISHA WILLIAMS

Claimant

APPEAL NO: 14A-UI-09808-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CONIFER REVENUE CYCLE SOLUTIONS

Employer

OC: 08/17/14

Claimant: Appellant (1)

871 IAC 24.23(10) – Leave of Absence

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's September 18, 2014 determination (reference 02) that held her ineligible to receive benefits as of August 17, 2014, because she requested and was granted a leave of absence. The claimant participated at the October 9 hearing. Natasha Stephens, the human resource director, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is not eligible to receive benefits as of August 17, 2014.

ISSUE:

When the claimant is on a leave of absence is she eligible to receive benefits?

FINDINGS OF FACT:

In March 2013, the claimant started working for the employer as a full-time patient access representative. As of October 9, the date of the hearing, the employer still considers the claimant an employee who is on a leave of absence. As of October 9, the employer has not hired anyone for the claimant's job.

The last day the claimant worked was June 5, 2014. The claimant's physician gave her work restrictions that the employer could not accommodate. To protect her job, the claimant completed paperwork and had her physician complete paperwork so the claimant could take a medical leave of absence, FMLA. After the claimant submitted the required paperwork, the employer granted her FMLA from June 6 through August 30, 2014. When the claimant had not been released to work by August 30, the employer extended her medical leave, but this extension did not protect the claimant's job.

On September 29, the employer's leave administrator contacted the claimant to obtain information to support additional time off from work. On October 6, the claimant talked to the leave administrator and updated her medical information. The claimant informed the leave administrator that she had another appointment on October 14 and could provide more

information after her medical appointment. The claimant hopes to return to work in early or mid-November. The claimant has not been looking for work because she plans to return to work for the employer after her physician releases her to work.

REASONING AND CONCLUSIONS OF LAW:

The evidence established the claimant is still an employee who is on a leave of absence. This decision will not address whether the claimant voluntarily quit her employment or was discharged for work-connected misconduct because the claimant's employment has not ended.

Each week a claimant files a claim for benefits, she must be able to and available for work. Iowa Code § 96.4(3). When a claimant requests and is granted a leave of absence, this period of unemployment is deemed as a period of voluntary unemployment. A claimant is not eligible to receive benefits when she is on a leave of absence. 871 IAC 24.23(10).

When the claimant turned in completed FMLA paperwork, she requested a protected leave of absence. The claimant's FMLA was not exhausted until August 30, 2014. The claimant is on a leave of absence because of her work restrictions and is not eligible to receive benefits as of August 17, 2014. When the claimant's physician releases her to return to work, she must provide that release to the employer and offer to return to work. If at that time the employer does not have work for the claimant, the claimant should report this to her local Workforce office.

(Note: The claimant questioned why she was eligible to receive benefits as of June 8, 2014, but was held ineligible as of August 17, 2014, when she had to establish a new benefit year. It appears the claimant's eligibility to receive benefits between June 8 and August 17, is based on the decision for appeal 14A-UI-06812-S2T. That decision was based on evidence presented at a late July hearing that the claimant participated at but the employer did not. Since no one appealed that decision, the decision issued for 14A-UI-06812-S2T is the final decision for that time frame.)

DECISION:

The representative's September 18, 2014 determination (reference 02) is affirmed. The claimant requested and was granted a leave of absence because of the work restrictions her physician gave her. The claimant is ineligible to receive benefits as of August 17, 2014. The claimant remains ineligible until her physician releases her to work and she offers to return to work for the employer. If the claimant offers to return to work after she has been released and the employer does not have a job for her, the claimant should reopen her claim and report this new information to her local Workforce office.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs