

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

WILLIAM R STRUVE
Claimant

APPEAL NO: 06A-UI-08948-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

CEDAR RAPIDS JANITORIAL SERVICES
Employer

**OC: 08/06/06 R: 03
Claimant: Appellant (1)**

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

William R. Struve (claimant) appealed a representative's September 1, 2006 decision (reference 01) that concluded he was not eligible to receive unemployment insurance benefits because he took a voluntary leave of absence from working at Cedar Rapids Janitorial Services (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on September 21, 2006. The claimant participated personally. The employer participated by Brenda Rodgers, Manager.

ISSUE:

The issue is whether the claimant took a voluntary leave of absence and is not eligible to receive unemployment insurance benefits.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on October 18, 2006, as a part-time cleaner. The claimant asked for time off to go to his cabin in Canada. The employer granted the time off. The claimant last worked on July 14, 2006. The claimant returned in early August 2006 but did not notify the employer. He found that he could not work at his usual location due to repairs and did not want to work at the alternate location. He filed a claim for unemployment insurance benefits with an effective date of August 6, 2006. The employer learned that the claimant had returned from his trip on or about August 31, 2006. Continued work was available had the claimant requested work and been willing to work at an alternative location.

REASONING AND CONCLUSIONS OF LAW:

For the following reasons the administrative law judge finds the claimant is on a voluntary leave of absence and is not eligible to receive unemployment insurance benefits.

871 IAC 24.23(7) provides:

Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

(7) Where an individual devotes time and effort to becoming self-employed.

When an employee requests and is granted time off, he is considered to be unavailable for work. The claimant requested time off and the employer granted his request. The change in hours was initiated by the claimant. He is considered to be unavailable for work from July 15, 2006, until he presents himself to the employer for work. The claimant is disqualified from receiving unemployment insurance benefits due to his unavailability for work.

DECISION:

The representative's September 1, 2006 decision (reference 01) is affirmed. The claimant is disqualified from receiving unemployment insurance benefits due to his unavailability for work.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/cs