

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JENNIFER L RAMIREZ
Claimant

APPEAL NO. 10A-UI-14006-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

STREAM INTERNATIONAL INC
Employer

OC: 08/08/10
Claimant: Appellant (1)

Section 96.4-3 – Eligibility for Benefits

STATEMENT OF THE CASE:

Jennifer L. Ramirez filed a timely appeal from an unemployment insurance decision dated October 11, 2010, reference 01, that denied benefits to her effective August 8, 2010 upon a finding that she was limiting her availability for work. After due notice was issued, a telephone hearing was held November 23, 2010 with Ms. Ramirez participating. Human Resources Generalist Monica Ensminger and Team Manager Lori Twohig participated for the employer, Stream International. Employer Exhibit One was admitted into evidence. This matter is considered on a consolidated record with appeal number 10A-UI-14007-AT.

ISSUE:

Is the claimant eligible for unemployment insurance benefits?

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Jennifer Ramirez was employed by Stream International, Inc. from February 18, 2010 until she resigned September 2, 2010. She was a full-time employee. She filed a claim for unemployment insurance benefits during the week of August 8, 2010. There was no change in Ms. Ramirez's work schedule at that time. She requested and received a leave of absence from August 12, 2010 through August 19, 2010. She returned to full-time employment until she resigned on September 2, 2010.

REASONING AND CONCLUSIONS OF LAW:

This decision concerns the claimant's eligibility for benefits from August 8, 2010, the original date of her unemployment insurance claim, until September 2, 2010, the date of her separation from employment. The unemployment insurance consequences of the separation from employment are addressed in the companion decision.

Iowa Code section 96.4-3 provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

3. The individual is able to work, is available for work, and is earnestly and actively seeking work. This subsection is waived if the individual is deemed partially unemployed, while employed at the individual's regular job, as defined in section 96.19, subsection 38, paragraph "b", unnumbered paragraph 1, or temporarily unemployed as defined in section 96.19, subsection 38, paragraph "c". The work search requirements of this subsection and the disqualification requirement for failure to apply for, or to accept suitable work of section 96.5, subsection 3 are waived if the individual is not disqualified for benefits under section 96.5, subsection 1, paragraph "h".

The first element of eligibility for unemployment insurance benefits is that an individual must be unemployed through no fault of the individual's own. During the period August 8, 2010 through September 2, 2010, the only period of unemployment was the week that Ms. Ramirez requested and received a leave of absence. One who is on a requested leave of absence is not considered to be available for work. Benefits must be withheld.

DECISION:

The unemployment insurance decision dated October 11, 2010, reference 01, is affirmed. The claimant is ineligible to receive unemployment insurance benefits.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs