

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ELIA RODRIGUEZ

Claimant

APPEAL NO. 12A-UI-03753-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

TYSON FRESH MEATS

Employer

OC: 02/12/12

Claimant: Appellant (1)

871 IAC 24.23(10) – Voluntary Leave of Absence

STATEMENT OF THE CASE:

Elia Rodriguez (claimant) appealed a representative's March 27, 2012 decision (reference 01) that concluded she was not eligible to receive unemployment insurance benefits because she was granted a leave of absence from work with Tyson Fresh Meats (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for April 26, 2012. The claimant participated personally through Celia Huante, interpreter. The employer participated by James Hook, human resources manager.

ISSUE:

The issue is whether the claimant is available for work.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and having considered all of the evidence in the record, finds that: The claimant worked for the employer from February 11, 2003, to February 8, 2012, as a full-time laborer. On February 8, 2012, the claimant reported a work-related injury. The workers' compensation claim was denied. The claimant has not appealed that decision. The claimant took a medical leave of absence from February 8 through April 27, 2012. The employer consented to the leave.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes the claimant is not eligible to receive unemployment insurance benefits.

871 IAC 24.23(10) provides:

(10) The claimant requested and was granted a leave of absence, such period is deemed to be a period of voluntary unemployment and shall be considered ineligible for benefits for such period.

When an employee requests and is granted a leave of absence, she is considered to be voluntarily unemployed. The claimant requested a medical leave of absence and the employer granted her request. The request was initiated by the claimant. She is considered to be voluntarily unemployed during the period of the medical leave of absence. The claimant is not eligible to receive unemployment insurance benefits from February 8, 2012, due to her voluntary unemployment.

DECISION:

The representative's March 27, 2012 decision (reference 01) is affirmed. The claimant is not eligible to receive unemployment insurance benefits from February 8, 2012, through April 27, 2012, due to her voluntary unemployment.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/kjw