

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MUHAMMAD Z RAHIM**  
Claimant

**APPEAL NO. 08A-UI-02736-A**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MAHARAJ SWAMI LLC**  
Employer

**OC: 02/10/08 R: 02**  
**Claimant: Appellant (2)**

Section 96.4-3 – Available for Work  
871 IAC 24.22(3)j(2) – Leave of Absence

**STATEMENT OF THE CASE:**

Muhammad Z. Rahim filed timely appeal from an unemployment insurance decision dated March 13, 2008, reference 02, that disqualified him for benefits following his separation from employment with Maharaj Swami, LLC, doing business as Comfort Inn. After due notice was issued, a hearing was held in Des Moines, Iowa on April 22, 2008 with Mr. Rahim participating and presenting additional testimony by John Kadolph. General Manager Andy Patel participated for the employer. Employer Exhibit One and Claimant Exhibits A and B were admitted into evidence.

**ISSUE:**

Is the claimant eligible to receive 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: Muhammad Z. Rahim began employment with Comfort Inn in November of 2003. He last worked for the employer on November 20, 2007. He was a full-time front desk clerk. Andy Patel was the general manager of the facility in November 2007. Mr. Rahim requested permission to take a leave of absence from November 24, 2007 through January 15, 2008. Mr. Patel gave conditional approval. Mr. Rahim returned as scheduled on January 15, 2008, but the employer has had no work for him since that time. Mr. Rahim filed a claim for unemployment insurance benefits effective February 10, 2008.

**REASONING AND CONCLUSIONS OF LAW:**

The question is whether Mr. Rahim is eligible to receive unemployment insurance benefits. For the reasons which follow, the administrative law judge concludes that he is.

The fact finder concluded that Mr. Rahim voluntarily left his employment without good cause attributable to the employer. The administrative law judge finds no evidence in this record to indicate that Mr. Rahim desired to sever the employment relationship. The provision of the Iowa Administrative Code cited above denies unemployment insurance benefits to an individual during a bargained-for leave of absence but provides that benefits should be allowed to the individual upon return from the leave of absence if the employer has no work available. The testimony of both parties is consistent. Mr. Rahim returned as scheduled but Mr. Patel had no work available for him. Benefits are allowed as of February 10, 2008, the effective date of Mr. Rahim's claim for benefits.

**DECISION:**

The unemployment insurance decision dated March 13, 2008, reference 02, is reversed. The claimant is entitled to receive unemployment insurance benefits, provided he is otherwise eligible.

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Dan Anderson  
Administrative Law Judge

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Decision Dated and Mailed

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