

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**TONYA E STEEL**  
Claimant

**APPEAL NO. 09A-UI-11448-CT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**DOLLAR TREE STORES INC**  
Employer

**OC: 07/05/09**  
**Claimant: Appellant (1)**

Section 96.4(3) –Able and Available

**STATEMENT OF THE CASE:**

Tonya Steel filed an appeal from a representative's decision dated July 29, 2009, reference 01, which denied benefits effective July 3, 2009 on a finding that she was on a leave of absence from her job with Dollar Tree Stores, Inc. After due notice was issued, a hearing was held by telephone on August 25, 2009. Ms. Steel participated personally. The employer did not respond to the notice of hearing.

**ISSUE:**

At issue in this matter is whether Ms. Steel satisfies the availability requirements of the law.

**FINDINGS OF FACT:**

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Steel began working for Dollar Tree Stores, Inc. in November of 2008. She worked from 10 to 15 hours each week as a clerk and stocker. At the end of June, 2009, she requested and was granted an indefinite leave of absence to take care of her grandchildren. She also left her full-time job at that time. Ms. Steel has not returned to Dollar Tree Stores, Inc. to re-offer her services at any point since filing her claim for job insurance benefits effective July 5, 2009.

**REASONING AND CONCLUSIONS OF LAW:**

In order to receive job insurance benefits, an individual must be able to and available for work. Iowa Code section 96.4(3). An individual who is on a requested leave of absence is considered voluntarily unemployed and not available for work within the meaning of the law. 871 IAC 24.22(2); 871 IAC 24.23(10). For the reasons cited herein, Ms. Steel is not entitled to job insurance benefits on her claim filed effective July 5, 2009.

**DECISION:**

The representative's decision dated July 29, 2009, reference 01, is hereby affirmed. Ms. Steel is not eligible to receive benefits because she is voluntarily unemployed. Benefits are withheld until she re-offers her services to the employer, provided no work is made available and she is otherwise eligible to receive benefits at that time.

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Carolyn F. Coleman  
Administrative Law Judge

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Decision Dated and Mailed

cfc/pjs