

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

STEVEN C WINEFELDT
Claimant

APPEAL NO. 16A-UI-05608-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

ATTERRO INC
Employer

OC: 04/17/16
Claimant: Appellant (1)

Section 96.4-3 – Able and Available
871 IAC 24.23(10) – Voluntary Leave of Absence

STATEMENT OF THE CASE:

Steven Winefeldt (claimant) appealed a representative's May 12, 2016 (reference 02) decision that concluded he was not eligible to receive unemployment insurance benefits as of April 17, 2016 because he was available to work with Atterro (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for June 6, 2016. The claimant was represented by Peggy Michelotti, Attorney at Law, and participated personally. The employer participated by Matt Beazor, Talent Manager.

ISSUE:

The issue is whether the claimant is available for work.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The employer is a temporary agency. The claimant worked for the employer from October 29, 2014 to the present. On April 1, 2016, the claimant told the employer his wife was having surgery on April 15, 2016 and he would like to take a leave of absence. The employer told him that was fine and he should let the company know when he was able to return to work. On May 19, 2016, the claimant told the employer he was able and available for work. The claimant returned to work on May 21, 2016.

REASONING AND CONCLUSIONS OF LAW:

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

Iowa Admin. Code r. 871-24.23(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, he is considered to be voluntarily unemployed. The claimant requested a medical leave of absence and the employer granted his request. The request was initiated by the claimant. He 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 April 17, 2016 because he was not able and available for work

DECISION:

The representative's May 12, 2016 (reference 02) decision is affirmed. The claimant is disqualified from receiving unemployment insurance benefits because he was not available for work with the employer.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/can