

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DEMA V MATTOCKS

Claimant

APPEAL NO. 14A-UI-02180-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

MODINE MANUFACTURING COMPANY

Employer

OC: 01/12/14

Claimant: Appellant (1)

871 IAC 24.23(10) – Voluntary Leave of Absence

STATEMENT OF THE CASE:

Dema Mattocks (claimant) appealed a representative's February 13, 2014, decision (reference 01) that concluded she was not eligible to receive unemployment insurance benefits as of January 12, 2014, because she was voluntarily unemployed with Modine Manufacturing Company (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for March 19, 2014. The claimant participated personally. The employer participated by Keith Stanley, Human Resources Manager, and Lori Dice, Human Resources Assistant.

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 claimant worked for the employer from July 13, 2010, to June 17, 2013. During her employment the claimant suffered an injury. She requested and was granted Family Medical Leave (FMLA) through June 3, 2013. When her FMLA expired and she was not released to return to work by her physician, the employer placed the claimant on medical leave. The employer is waiting for the claimant to supply them with a note from her physician indicating the claimant can return to work. The employer considers the claimant to be an employee. The claimant filed for unemployment insurance benefits with an effective date of January 12, 2014.

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 as of January 12, 2014, because she was not able and available for work.

DECISION:

The representative's February 13, 2014, decision (reference 01) is affirmed. The claimant is not eligible to receive unemployment insurance benefits as of January 12, 2014, due to her voluntary unemployment. The claimant should immediately provide any releases from her physician to the employer and to the department.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/css