

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JERILYN DURNAN**  
Claimant

**APPEAL NO. 11A-UI-00250-M2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**RMG DIRECT INC**  
Employer

**OC: 06/13/10**  
**Claimant: Appellant (1)**

871 IAC 24.23(10) - Leave of Absence

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated December 29, 2010, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on February 17, 2011. Claimant participated and had husband Jeremy Durnan testify as well. Employer participated by Necko Simone.

**ISSUE:**

The issue in this matter is whether claimant is/was on an approved leave of absence.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: The claimant went on a leave of absence on July 20, 2010. Work was slow for the employer and the claimant had the need for some medical procedures to be done. When the claimant was released to return to work without restriction she was returned to work on September 14, 2010.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge holds that the evidence established that claimant took a leave of absence for medical reasons. Although the employer's work was slow, the claimant voluntarily chose to have medical procedures performed during the period of absence from employment as opposed to take a layoff, and removed herself from the labor market.

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.

**DECISION:**

The decision of the representative dated December 29, 2010, reference 01, is affirmed.

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Stan McElderry  
Administrative Law Judge

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Decision Dated and Mailed

srm/pjs