

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RACHAEL L BALL
Claimant

APPEAL NO. 16A-UI-05322-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

SC DATA CENTER INC
Employer

OC: 02/21/16
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

Rachael Ball (claimant) appealed a representative's May 2, 2016 (reference 02) decision that concluded she was not eligible to receive unemployment insurance benefits as of March 27, 2016 because she was voluntarily unemployed with SC Data Center(employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for May 24, 2016. The claimant participated personally. The employer participated by Brenna O'Brien, Human Resources Coordinator.

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 was hired on October 28, 2014, as a part-time customer service representative four. On January 24, 2016, the claimant completed a request for layoff form. She asked for time off from March 28 to August 25, 2016, to be home with her children for the summer. The document that the claimant completed stated that work was available. The employer granted the claimant's request. The claimant worked through March 23, 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, she is considered to be voluntarily unemployed. The claimant requested a 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 leave. The claimant is not eligible to receive unemployment insurance benefits from March 27, 2016 because she was not able and available for work.

DECISION:

The representative's May 2, 2016 (reference 02) decision is affirmed. The claimant is not eligible to receive unemployment insurance benefits as of March 27, 2016, due to her voluntary unemployment.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/can