

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**ASHLYN M STOEDTER**  
Claimant

**“HENNING’S LTD**  
Employer

**APPEAL 20A-UI-10240-AD-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 03/29/20**  
**Claimant: Appellant (5)**

Iowa Code section 96.4(3) – Eligibility – Able to and Available for Work

**STATEMENT OF THE CASE:**

On August 27, 2020, Ashlyn Stoedter (claimant/appellant) filed an appeal from the August 19, 2020 (reference 01) unemployment insurance decision that denied benefits as of March 29, 2020, based on a finding claimant requested and was granted a leave of absence.

A telephone hearing was held on October 8, 2020. The parties were properly notified of the hearing. The claimant participated personally. Henning’s, LTD (employer/respondent) participated by owner Rich Henning.

Claimant’s Exhibits 1 and 2 are admitted. Official notice was taken of the administrative record.

**ISSUES:**

Is the claimant able to and available for work?

Is the claimant on an approved leave of absence?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds:

Claimant began working for employer about four years ago. Claimant is still employed by employer as a part-time assistant manager. Claimant averages around 30 hours a week in that position. There is no guarantee of minimum hours in that position.

On March 18, claimant limited her availability to only weekends. Claimant did this to help care for ailing family members and to babysit a family member who could not attend school or daycare due to the pandemic. Prior to this date, claimant’s availability was every day. Claimant’s availability returned to every day on July 26, 2020.

## **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the August 19, 2020 (reference 01) unemployment insurance decision that denied benefits as of March 29, 2020 is MODIFIED with no change in effect.

Iowa Code section 96.4(3) provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

3. The individual is able to work, is available for work, and is earnestly and actively seeking work. This subsection is waived if the individual is deemed partially unemployed, while employed at the individual's regular job, as defined in section 96.19, subsection 38, paragraph "b", unnumbered paragraph (1), or temporarily unemployed as defined in section 96.19, subsection 38, paragraph "c". The work search requirements of this subsection and the disqualification requirement for failure to apply for, or to accept suitable work of section 96.5, subsection 3 are waived if the individual is not disqualified for benefits under section 96.5, subsection 1, paragraph "h".

Claimant did not request a leave of absence. However, she did limit her availability to just weekends from March 18 until July 26, 2020. She is therefore not eligible for benefits during this period. She returned to being available every day after July 26, 2020, and so is available for work and eligible for benefits after that date, provided she meets all other eligibility requirements.

**While this decision denies regular, state benefits, the evidence indicates claimant may be eligible for federal Pandemic Unemployment Assistance (PUA). Further information on PUA, including how to apply, is set forth below.**

## **DECISION:**

The August 19, 2020 (reference 01) unemployment insurance decision that denied benefits as of March 29, 2020 is MODIFIED with no change in effect. Claimant does not meet the availability requirements to receive benefits during the period in question. Benefits are denied.



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Andrew B. Duffelmeyer  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax (515) 478-3528

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October 12, 2020  
Decision Dated and Mailed

abd/sam

***Note to Claimant:***

If you disagree with this decision, you may file an appeal with the Employment Appeal Board by following the instructions on the first page of this decision. If this decision denies benefits, you may be responsible for paying back benefits already received.

Individuals who are disqualified from or are otherwise ineligible for **regular** unemployment insurance benefits but who are unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.