

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**RICHARD BAUMHOVER**  
Claimant

**HY-VEE INC**  
Employer

**APPEAL 20A-UI-07980-J1-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 04/19/20**  
**Claimant: APPELLANT (6)**

Iowa Code § 96.5(1) – Voluntary Quitting  
Iowa Admin. Code r. 871-24.23(10) – Leave of Absence

**STATEMENT OF THE CASE:**

On July 5, 2020, the claimant filed an appeal from the July 1, 2020, (reference 02) unemployment insurance decision that denied benefits based on being on a leave of absence that was requested by claimant. The parties were properly notified about the hearing. A telephone hearing was held on August 19, 2020. Claimant participated. Employer participated through Chas Wiepert.

**ISSUES:**

Is claimant on an approved leave of absence?  
Did claimant quit employment with good cause attributable to the employer?

**FINDINGS OF FACT:**

This hearing was set to be heard on August 19, 2020 at 11:00 a.m. The claimant, Richard Baumhover registered in the IWD Appeals Bureau call system. The employ registered in the IWD Appeals Bureau call system and was represented by Chas Wiepert. The claimant and employer were called and the claimant stated that he was withdrawing his appeal and did not want a hearing. The claimant was informed that by withdrawing his appeal the decision that denied him benefits would be affirmed and he would not be eligible for unemployment benefits. Claimant stated again that he wished to withdraw his appeal. The parties were informed of their appeal rights and the record was closed.

**REASONING AND CONCLUSIONS OF LAW:**

The claimant request to withdraw his appeal is granted. The July 1, 2020 fact finding decision is affirmed and claimant is not eligible for regular state unemployment due to claimant being on a leave of absence and considered to have voluntarily quit without good cause attributable to the employer. See Iowa Admin. Code r. 871-24.23(10)

**DECISION:**

**Regular Unemployment Insurance Benefits Under State Law**

The July 1, 2020, (reference 02) unemployment insurance decision is affirmed. Benefits are withheld until such time as claimant has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

**Pandemic Unemployment Assistance (PUA) Under the Federal CARES Act**

Even though claimant is not eligible for regular unemployment insurance benefits under state law, claimant may be eligible for federally funded unemployment insurance benefits under the CARES Act. Section 2102 of the CARES Act creates a new temporary federal program called Pandemic Unemployment Assistance (PUA) that in general provides up to 39 weeks of unemployment benefits. An individual receiving PUA benefits may also receive the \$600 weekly benefit amount (WBA) under the Federal Pandemic Unemployment Compensation (FPUC) program if he or she is eligible for such compensation for the week claimed. This decision does not address when claimant is eligible for PUA. For a decision on such eligibility, claimant must apply for PUA, as noted in the instructions provided in the "Note to Claimant" below.

**NOTE TO CLAIMANT:**

- This decision determines you are not eligible for regular unemployment insurance benefits under state law. If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision.
- If you do not qualify for regular unemployment insurance benefits under state law and are currently unemployed for reasons related to COVID-19, you may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** For more information about how to apply for PUA, go to:

<https://www.iowaworkforcedevelopment.gov/pua-informatio>  
<https://www.iowaworkforcedevelopment.gov/Pua-application>



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James F. Elliott  
Administrative Law Judge

August 25, 2020  
Decision Dated and Mailed

je/mh