

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**KHALID A. MOHAMMED**  
Claimant

**STAFF MANAGEMENT SOLUTIONS, LLC**  
Employer

**APPEAL 20A-UI-05352-ED-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 04/26/20**  
**Claimant: Appellant (1)**

Iowa Code § 96.5(1) – Voluntary Quitting  
Iowa Code § 96.5(1)j – Voluntary Quitting – Temporary Employment  
Iowa Code § 96.5(2)a – Discharge for Misconduct

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the June 2, 2020, (reference 01) unemployment insurance decision that denied benefits based upon his voluntary quit from employment by failing to notify the temporary employment firm within three working days of the completion of his last work assignment. The parties were properly notified of the hearing. A telephone hearing was held on July 1, 2020 at 8:00 AM. The claimant, Khalid Mohammed, participated personally. Language Link participated for interpretation services. The employer, Staff Management Solutions, LLC did not participate.

**ISSUES:**

Did claimant voluntarily quit the employment with good cause attributable to employer?  
Did the claimant voluntarily quit by not reporting for an additional work assignment within three business days of the end of the last assignment?  
Was the claimant discharged for disqualifying job-related misconduct?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was a temporary employee of a temporary employment firm. Claimant began his employment in 2014 and has worked intermittently with the temporary employment firm since then.

Claimant's most recent job assignment from the employer to work as a line leader at a factory for shampoo filling bottles. On or about March 23, 2020, the Claimant learned a co-worker had become sick with COVID-19 and that the co-worker had been hospitalized. After learning about his co-worker's illness, claimant chose not to return to the job assignment due to his fear of being exposed to COVID-19. Claimant's job was important to him, but he chose to stay home for one month to avoid exposure during the pandemic.

Claimant did not contact the employer within three working days after the assignment ended to request additional work. Instead, claimant stayed home from work to self protect against COVID-19. Claimant informed his employer that he would not return to work for one month due to his concerns of being exposed to COVID-19. Claimant's employer had further work available for him. Claimant returned to begin a new assignment on June 3, 2020.

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

For the reasons that follow, the administrative law judge concludes the separation was without good cause attributable to the employer. Benefits are not allowed.

Iowa Code § 96.5-(1)-j provides:

An individual shall be disqualified for benefits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department. But the individual shall not be disqualified if the department finds that:

j. (1) The individual is a temporary employee of a temporary employment firm who notifies the temporary employment firm of completion of an employment assignment and who seeks reassignment. Failure of the individual to notify the temporary employment firm of completion of an employment assignment within three working days of the completion of each employment assignment under a contract of hire shall be deemed a voluntary quit unless the individual was not advised in writing of the duty to notify the temporary employment firm upon completion of an employment assignment or the individual had good cause for not contacting the temporary employment firm within three working days and notified the firm at the first reasonable opportunity thereafter.

(2) To show that the employee was advised in writing of the notification requirement of this paragraph, the temporary employment firm shall advise the temporary employee by requiring the temporary employee, at the time of employment with the temporary employment firm, to read and sign a document that provides a clear and concise explanation of the notification requirement and the consequences of a failure to notify. The document shall be separate from any contract of employment and a copy of the signed document shall be provided to the temporary employee.

(3) For the purposes of this paragraph:

(a) "Temporary employee" means an individual who is employed by a temporary employment firm to provide services to clients to supplement their workforce during absences, seasonal workloads, temporary skill or labor market shortages, and for special assignments and projects.

(b) "Temporary employment firm" means a person engaged in the business of employing temporary employees.

Iowa Admin. Code r. 871-24.26(19) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(19) The claimant was employed on a temporary basis for assignment to spot jobs or casual labor work and fulfilled the contract of hire when each of the jobs was completed. An election not to report for a new assignment to work shall not be construed as a voluntary leaving of employment. The issue of a refusal of an offer of suitable work shall be adjudicated when an offer of work is made by the former employer. The provisions of Iowa Code section 96.5(3) and rule 24.24(96) are controlling in the determination of suitability of work. However, this subrule shall not apply to substitute school employees who are subject to the provisions of Iowa Code section 96.4(5) which denies benefits that are based on service in an educational institution when the individual declines or refuses to accept a new contract or reasonable assurance of continued employment status. Under this circumstance, the substitute school employee shall be considered to have voluntarily quit employment.

The purpose of the statute is to provide notice to the temporary agency employer that the claimant is available for and seeking work at the end of the temporary assignment. Since Claimant did not contact the employer within three working days of the notification of the end of the assignment to request a new assignment, a disqualification is imposed.

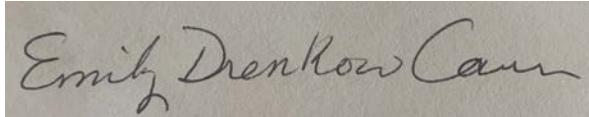
As such, the claimant did not comply with Iowa Code section 96.5(1)j and he voluntarily quit without good cause attributable to the employer. The separation is disqualifying. Benefits are not allowed. Because claimant's separation was directly related to the COVID-19 pandemic, claimant may be eligible for Pandemic Unemployment Assistance (PUA). Claimant has not applied for PUA.

If the appellant disagrees with this decision, the appellant may appeal the decision directly to the Employment Appeal Board, whose address is listed at the top right caption.

*Note to Claimant:* This decision determines you are not eligible for regular unemployment insurance benefits. 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. Individuals who do not qualify for regular unemployment insurance benefits due to disqualifying separations, but who are currently 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 under the program.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>. If this decision becomes final or if you are not eligible for PUA, you may have an overpayment of benefits.

**DECISION:**

The June 2, 2020 (reference 01) unemployment insurance decision is affirmed. The claimant's separation from employment was disqualifying. Benefits are not allowed.

A rectangular box containing a handwritten signature in dark ink. The signature is written in a cursive style and reads "Emily Drenkow Carr".

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Emily Drenkow Carr  
Administrative Law Judge

July 13, 2020  
Decision Dated and Mailed

ed/scn