

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**ALI ELGAALI**  
Claimant

**STAFF MANAGEMENT SOLUTIONS, LLC**  
Employer

**APPEAL 20R-UI-12275-AD-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 04/26/20**  
**Claimant: Appellant (2R)**

Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

On July 19, 2020, Ali Elgaali (claimant/appellant) filed a timely appeal from the Iowa Workforce Development decision dated July 8, 2020 (reference 01) that denied benefits based on a finding claimant voluntarily quit work on April 5, 2020 for personal reasons.

A telephone hearing was set for September 1, 2020 at 1 p.m. The claimant did not register a number for the hearing and therefore no hearing was held. A default decision was entered accordingly. Claimant appealed the default decision to the Employment Appeal Board (EAB). The EAB remanded the matter for a new hearing.

A telephone hearing was held on December 3, 2020. The parties were properly notified of the hearing. The claimant participated personally. Staff Management Solutions, LLC (employer/respondent) participated by Senior Account Manager Susan Murphy.

Claimant's Exhibit 1 was admitted. Employer's Exhibits 1-4 were admitted. Official notice was taken of the administrative record.

**ISSUE(S):**

- I. Was the separation from employment a layoff, discharge for misconduct, or voluntary quit without good cause?

**FINDINGS OF FACT:**

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

Claimant began working for employer on August 5, 2019. He discontinued work there after November 24, 2019 and continuing until March 10, 2020, as he was out of the county for several months. Claimant then requested and was granted a leave of absence from April 3 through June 21, 2020 due to the pandemic. Claimant lives with his parents, who both have health conditions which make them particularly susceptible to COVID-19. He requested time off so as to minimize his risk of exposure and, in turn, their risk of exposure. There was work available for claimant during this time.

Murphy contacted claimant on June 12, 2020, letting him know she had set a doctor's appointment for him so that he could be examined and return to work if it was safe to do so. Claimant responded that he had begun another job and so could no longer work for employer. Claimant did accept a job with another employer and perform work in that position. That position subsequently ended in early August 2020. Claimant applied for benefits from the benefit week ending May 2, 2020 and through the benefit week ending June 6, 2020.

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

For the reasons set forth below, the decision dated July 8, 2020 (reference 01) that denied benefits based on a finding claimant voluntarily quit work on April 5, 2020 for personal reasons is REVERSED. Claimant's separation from employer was not disqualifying. However, employer's account shall not be charged. The issue of claimant's availability for work is REMANDED to the Benefits Bureau for a fact-finding interview and decision.

Iowa Code section 96.5(1)a provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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:

a. The individual left employment in good faith for the sole purpose of accepting other or better employment, which the individual did accept, and the individual performed services in the new employment. Benefits relating to wage credits earned with the employer that the individual has left shall be charged to the unemployment compensation fund. This paragraph applies to both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

Claimant resigned to accept a job with another employer and he did perform work in that position. As such, he is not disqualified from benefits. However, neither shall employer's account be charged.

The issue of claimant's availability for work during the period for which he filed for benefits must be addressed. If claimant was not able to or available for work during this period, he is not eligible for regular, state unemployment benefits during that time. However, claimant may be eligible for federal Pandemic Unemployment Assistance (PUA) during that time. There is further information on PUA and how to apply set forth below.

### **DECISION:**

The decision dated July 8, 2020 (reference 01) that denied benefits based on a finding claimant voluntarily quit work on April 5, 2020 for personal reasons is REVERSED. Claimant's separation from employer was not disqualifying. However, employer's account shall not be charged.

**REMAND:**

The issue of claimant's availability for work is REMANDED to the Benefits Bureau for a fact-finding interview and decision.



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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

December 10, 2020  
Decision Dated and Mailed

abd/scn

***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 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.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.