

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**TRAMIR WOODS**

Claimant

**APPEAL 20A-UI-12197-AW-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**SEDONA STAFFING INC.**

Employer

**OC: 09/09/18**

**Claimant: Respondent (2R)**

Iowa Code § 96.5(1)J – VQ – Temporary employment firm

Iowa Code § 96.3(7) – Payment – Overpayment

Iowa Admin. Code r. 871-24.26(15) – VQ – Employee of Temporary Employment Firm

Iowa Admin. Code r. 871-24.10 – Payment – Employer participation in fact-finding interview

PL 116-136, Sec. 2104 – Federal Pandemic Unemployment Compensation

PL 116-136, Sec. 2107 – Pandemic Emergency Unemployment Compensation

**STATEMENT OF THE CASE:**

Employer filed an appeal from the October 1, 2020 (reference 04) unemployment insurance decision that allowed benefits. The parties were properly notified of the hearing. A telephone hearing was held on December 2, 2020, at 9:00 a.m. Claimant did not participate. Employer participated through Colleen McGuinty, Unemployment Insurance Administrator. No exhibits were admitted. Official notice was taken of the administrative record.

**ISSUES:**

Whether claimant's separation was a discharge for disqualifying job-related misconduct or a voluntary quit without good cause attributable to employer.

Whether claimant made a timely request for another job assignment.

Whether claimant has been overpaid unemployment insurance benefits.

Whether claimant should repay those benefits and/or whether employer should be charged due to its participation in the fact-finding interview.

Whether claimant is eligible for Federal Pandemic Unemployment Compensation and/or Pandemic Emergency Unemployment Compensation.

**FINDINGS OF FACT:**

As employer was the only witness, the administrative law judge makes the following findings of fact based solely upon employer's testimony: Claimant was employed by Sedona Staffing, a temporary employment firm, from January 27, 2020 until his employment ended on April 16, 2020. Claimant's last assignment was as a full-time Production Worker at Sterilite Corporation in Davenport, Iowa. On April 16, 2020, claimant informed employer that he quit his assignment because the 12-hour shifts he was working at Sterilite were too much for him. Claimant knew he would be working 12-hour shifts when he accepted the assignment.

Employer has a policy that requires employees to request a new assignment within three days of an assignment ending. Claimant acknowledged receipt of the policy on January 22, 2020. Claimant did not request a new assignment from employer within three working days of quitting his assignment at Sterilite.

Claimant filed an additional claim for unemployment insurance benefits effective April 19, 2020. Claimant received Pandemic Emergency Unemployment Compensation (PEUC), Federal Pandemic Unemployment Compensation (FPUC), and Lost Wages Assistance (LWA) after filing his additional claim. The issues of overpayment, eligibility for PEUC and eligibility for FPUC were listed on the hearing notice; the issue of eligibility for LWA was not listed on the hearing notice.

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

For the reasons that follow, the administrative law judge concludes claimant voluntarily quit without good cause attributable to employer. Benefits are denied.

Iowa Code section 96.5(1)(j) provides:

An individual shall be disqualified for benefits

1. 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.

Iowa Admin. Code r. 871-24.26(15) 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:

Employee of temporary employment firm.

a. The individual is a temporary employee of a temporary employment firm who notifies the temporary employment firm within three days of completion of an

employment assignment and seeks reassignment under the contract of hire. The employee must be advised by the employer of the notification requirement in writing and receive a copy.

b. The individual shall be eligible for benefits under this subrule if the individual had good cause for not contacting the employer within three days and did notify the employer at the first reasonable opportunity.

c. Good cause is a substantial and justifiable reason, excuse or cause such that a reasonable and prudent person, who desired to remain in the ranks of the employed, would find to be adequate justification for not notifying the employer. Good cause would include the employer's going out of business; blinding snow storm; telephone lines down; employer closed for vacation; hospitalization of the claimant; and other substantial reasons.

d. Notification may be accomplished by going to the employer's place of business, telephoning the employer, faxing the employer or any other currently accepted means of communications. Working days means the normal days in which the employer is open for business.

Claimant quit his assignment at Sterilite on April 16, 2020. Claimant did not contact employer to request a new assignment within three working days of quitting his assignment. Claimant was aware of the policy requiring him to request a new assignment. Claimant voluntarily quit his employment with Sedona Staffing by not requesting a new assignment. Claimant has not met his burden of proving good cause attributable to employer. Therefore, claimant voluntarily quit without good cause attributable to employer and is not eligible for benefits.

Claimant is entitled to at least 10-days' notice of any issue that will be determined on appeal. Claimant did not receive notice of the issue of LWA. The administrative law judge believes that all issues of overpayment, repayment and chargeability should be addressed together. Therefore, the issues shall be remanded to the Benefits Bureau of Iowa Workforce Development for an investigation and decision.

**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, 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 October 1, 2020 (reference 04) unemployment insurance decision is reversed. Claimant voluntarily quit without good cause attributable to employer. Benefits are denied until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

**REMAND:**

The issues of whether claimant was overpaid PEUC, FPUC and LWA, whether claimant should repay those benefits and whether employer should be charged are remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and decision.

A handwritten signature in black ink, appearing to read 'Adrienne C. Williamson', is positioned above a horizontal line.

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Adrienne C. Williamson  
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December 10, 2020  
Decision Dated and Mailed

acw/scn