

**IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - E1**

**NADEEN M HARMS  
3339 JOHNATHAN AVE  
BETTENDORF IA 52722**

**IOC SERVICES LLC  
1641 POPPS FERRY ROAD B1  
BILOXI MS 39532-2226**

**Appeal Number: 05A-UI-00416-DWT  
OC: 12/12/04 R: 04  
Claimant: Appellant (2)**

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Nadeen M. Harms (claimant) appealed a representative's January 3, 2005 decision (reference 01) that concluded she was not qualified to receive unemployment insurance benefits, and the account of IOC Services LLC (employer) would not be charged because the claimant voluntarily quit her employment for reasons that do not qualify her to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on February 1, 2005. The claimant participated in the hearing. The employer failed to respond to the hearing notice by contacting the Appeals Section prior to the hearing and providing the phone number at which the employer's witness/representative could be contacted to participate in the hearing. As a result, no one represented the employer. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit her employment for reasons that qualify her to receive unemployment insurance benefits?

**FINDINGS OF FACT:**

The claimant started working for the employer in August 1991. She worked as a full-time dealer. After bidding to work on the day shift, the claimant worked days the last three years of her employment. While working days, the claimant worked 40 hours a week and had Wednesday and Thursday as her scheduled days off from work.

In early December 2004, the employer told the claimant that as of December 13, she would be working the swing shift and her scheduled days off would be Tuesday and Thursday. The employer indicated her hours were changing because the employer had too many full-time dealers on the day shift.

After the claimant learned her hours would change and she would be required to work 6:00 p.m. to 2:00 a.m. or from 8:00 p.m. to 4:00 a.m., she gave the employer a one-week notice that she was quitting. The claimant quit because the employer changed the shift she would be working and the claimant knew dealers on the swing shift had to leave work early if business was slow or had to stay late if business was busy. The claimant's last day of work was December 12, 2004.

**REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer. Iowa Code §96.5-1. Since the claimant quit her employment, she has the burden to establish she quit with good cause attributable to the employer. Iowa Code §96.6-2. The law presumes a claimant voluntarily quits with good cause when she quits because of a substantial change in the employment relationship. 871 IAC 24.26(1).

The employer may have had substantial business reasons for changing the hours the claimant worked. The employer, however, substantially changed the claimant's employment by changing her hours from days to the swing shift. Therefore, as of December 12, 2004, the claimant is qualified to receive unemployment insurance benefits.

**DECISION:**

The representative's January 3, 2005 decision (reference 01) is reversed. The claimant voluntarily quit her employment for reasons that qualify her to receive unemployment insurance benefits. As of December 12, 2004, the claimant is qualified to receive unemployment insurance benefits, provided she meets all other eligibility requirements. The employer's account may be charged for benefits paid to the claimant.

dlw/pjs