

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

TRACY L MARTIN
Claimant

APPEAL NO. 11A-UI-02213-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

BICKFORD COTTAGE FORT DODGE LLC
Employer

OC: 10/31/10
Claimant: Respondent (1)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The employer appealed an unemployment insurance decision dated February 17, 2011, reference 01, that concluded the claimant voluntarily quit employment with good cause attributable to the employer. A telephone hearing was held on March 22, 2011. The parties were properly notified about the hearing. The claimant participated in the hearing. Beth Fleming participated in the hearing on behalf of the employer. Exhibit One was admitted into evidence at the hearing. This is duplicate decision to the one issued in 11A-UI-02214-SWT, which appears to be due to wages being reported under two account numbers for this employer.

ISSUE:

Did the claimant voluntarily quit employment without good cause attributable to the employer?

FINDINGS OF FACT:

The claimant worked for the employer as a community relations director from October 1, 2006, to October 15, 2010. The job included sales and marketing for Bickford Assisted Living in Burlington, Iowa.

The claimant voluntarily quit employment on October 15, 2010, after giving the employer 30 days' notice that she was quitting. She quit because the employer was going to require her to perform sales and marketing duties for the employer's facility in Muscatine. The claimant reasonably believed this would have involved a substantial increase in her work duties and the employer refused to provide any additional compensation for the work, so she quit. The claimant set forth this reason in her notice of quitting, but the employer did not change its mind about the requirement that she do the additional work without additional pay.

REASONING AND CONCLUSIONS OF LAW:

The unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer. Iowa Code § 96.5-1.

871 IAC 24.26(1) 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:

(1) A change in the contract of hire. An employer's willful breach of contract of hire shall not be a disqualifiable issue. This would include any change that would jeopardize the worker's safety, health or morals. The change of contract of hire must be substantial in nature and could involve changes in working hours, shifts, remuneration, location of employment, drastic modification in type of work, etc. Minor changes in a worker's routine on the job would not constitute a change of contract of hire.

I conclude that the employer's requirement that the claimant perform sales and marketing duties for the employer's facility in Muscatine in addition to her regular work in Burlington constituted a substantial change in her employment agreement. She objected to this, but the requirement was not changed. Good cause for quitting has been shown.

DECISION:

The unemployment insurance decision dated February 17, 2011, reference 01, is affirmed. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/kjw