

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MACALAN DUFF**

Claimant

**APPEAL NO. 08A-UI-10444-S2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**BLUFFS INN HOTEL AND RESORT**

Employer

**OC: 10/05/08 R: 04  
Claimant: Respondent (1)**

Section 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

Bluffs Inn Hotel and Resort (employer) appealed a representative's October 27, 2008 decision (reference 01) that concluded Macalan Duff (claimant) was eligible to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for December 11, 2008. The claimant was represented by David Hanson, Attorney at Law, and participated personally. Former co-worker, Ann Pitz, testified for the claimant. The employer was represented by Richard Zahasky, Attorney at Law, and participated by Julius VanBensbergen, Owner, and Pirkko VanBensbergen, Owner. The employer offered and Exhibit One was received into evidence.

**ISSUE:**

The issue is whether the claimant voluntarily quit work without good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on March 22, 2007, as a full-time assistant manager. The claimant and spouse were paid \$1,800.00 per month together. The employer provided the claimant and spouse a company house, heat, telephone, water and television. In exchange the couple was each expected to work 32 hours per week and remain on call. In June 23, 2008, the claimant expressed concern that there were many unpaid hours. On September 1, 2008, the employer attempted to negotiate terms with the claimant. On September 7, the claimant counter offered with different terms.

In September 2008, the parties agreed that the claimant and his wife would each work 32 hours per week, be paid \$7.25 per hour and could live away from work. After the move the employer scheduled the claimant for 24 hours per week or less. On October 6, 2008, the claimant resigned.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow the administrative law judge concludes the claimant voluntarily quit work with good cause attributable to the employer

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.

A 25 percent to 35 percent reduction in working hours is, as a matter of law, a substantial change in the contract of hire. A substantial pay reduction creates good cause attributable to the employer for a resignation. Dehmel v. Employment Appeal Board, 433 N.W.2d 700 (Iowa 1988). The claimant quit work because the employer changed the hours the claimant worked. A change in one's hours is a substantial change in one's contract for hire. The employer substantially changed the claimant's contract for hire and, therefore, the separation was not voluntary. The claimant is qualified to receive unemployment insurance benefits provided the claimant is otherwise eligible.

**DECISION:**

The representative's October 27, 2008 decision (reference 01) is affirmed. The employer substantially changed the claimant's contract for hire and, therefore, the separation was not voluntary. The claimant is qualified to receive unemployment insurance benefits, provided the claimant is otherwise eligible.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

bas/css