

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

CHRISTI R MCCORMICK
Claimant

APPEAL NO. 14A-UI-11478-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WAL-MART STORES INC
Employer

OC: 10/12/14
Claimant: Appellant (2)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated October 28, 2014, reference 01, that concluded she voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on November 25, 2014. The parties were properly notified about the hearing. The claimant participated in the hearing. No one participated in the hearing on behalf of the 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 an associate in the Fabric department from May 1999 to September 29, 2014. When the claimant was hired, she asked the head of personnel whether the job involved cashiering because she had anxiety issues about working as a cashier. She was assured the job description did not include cashiering and she would not be asked to cashier.

Over the last couple of years the assistant manager, Casey West, would periodically approach the claimant and insist that she learn to cashier. When she reminded him of the hiring agreement, he would back off for a while but then would bring up the topic again. She also had confided in West that she took diuretic medications and was afraid of being stuck at a register when she needed to use the bathroom, but this did not satisfy West. The claimant complained to the store manager and someone in human resources, but West continued to insist that she learn to cashier and start cashiering.

In September 2014 West approached her again and yelled at her that her failure to learn to cashier was unacceptable and she need to learn to cashier or else. The claimant understood that West was saying that she would be discharged for not learning to cashier.

In mid-September, the claimant received a note from her department manager about tasks that had not been completed. Included in the note was a requirement that she go up to the front and start cashiering. The claimant decided that manager was going to continue to require her to do something that was contrary to the agreement at the time she was hired, so she submitted her two-weeks' notice to personnel that she was quitting effective September 29 stating the reason for quitting was because she was being asked to cashier. After putting in her notice, no one told her that the employer would abide by the hiring agreement, and in fact, her manager left her another note about needing to cashier.

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.

The evidence establishes that the claimant quit due to a substantial change in her job duties contrary to the agreement she had made when she was hired. The claimant had taken reasonable steps of complaining about the change in her job duties, including when submitted her notice, but nothing was done to correct the situation. Good cause attributable to the employer has been established in this case.

DECISION:

The unemployment insurance decision dated October 28, 2014, reference 01, is reversed. 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/can