

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LARRY E ROBUCK
Claimant

APPEAL NO: 19A-UI-02011-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

AMERICAN WOOD FIBERS INC
Employer

OC: 07/08/18
Claimant: Appellant (2)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the March 4, 2019 reference 04, decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on March 22, 2019. The claimant participated in the hearing with Attorney David Dixon. Ashley Sampson, Office Manager and Les Spaur, Operations Manager, participated in the hearing on behalf of the employer. Claimant's Exhibits One and Two and Employer's Exhibits One through Three were admitted into evidence.

ISSUE:

The issue is whether the claimant voluntarily left his employment for good cause attributable to the employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time production supervisor for American Wood Fibers from July 22, 2018 to February 13, 2019. He voluntarily quit due to a change in his contract of hire.

The claimant was hired as a third shift production supervisor. On August 6, 2018, he sustained a work-related injury and was on light duty from August 20 to October 9, 2018, when the employer exhausted its duties for him and he was placed on worker's compensation. He returned to work November 5, 2018, and was training with the first shift supervisor and second shift lead worker. As a supervisor, the claimant was responsible for such tasks as "supervising and coordinating the activities of plant employees, training and assisting employees, analyzing shift duties, giving instructions to employees, supervising the plant for cleanliness safety, quality control and optimum production; conferring with other supervisors and communicating with peers, subordinates and management; carrying out inspections and assisting in the building and with machinery repair; and conducting a weekly supervisor's meeting" (Claimant's Exhibit A). On January 28, 2018, third shift was eliminated and the employer demoted the claimant to a production worker position on second shift. He was assigned to run the squeeze packer putting bags on the chute to fill up and then run through the sealer before being either boxed or

wrapped in groups specified by the customer and then stacked on a pallet (Claimant's Exhibit A). The claimant resigned effective February 13, 2019, due to the change in his contract of hire.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left his employment with good cause attributable to the employer.

Iowa Code § 96.5-1 provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

Iowa Admin. Code r. 871-24.26(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 claimant was hired as a third shift supervisor but when third shift was eliminated the claimant's supervisory position ended as well and he was assigned to work as a production worker. While the claimant did not suffer a pay decrease, his hours changed from third shift to second shift and there is a substantial difference in the duties of a supervisor and production worker. Although as a supervisor the claimant would have filled in on the machines on occasion, that is much different than being assigned to work on the machines full-time without performing management functions. Inasmuch as the claimant would suffer a significant change in his hours and duties, the change is considered substantial. Consequently, benefits must be allowed.

DECISION:

The March 4, 2019, reference 04, decision is reversed. The claimant's separation from employment was attributable to the employer. Benefits are allowed, provided the claimant is otherwise eligible.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/scn