

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

DEBORAH C MCCLUN
Claimant

INSIGHT PARTNERSHIP GROUP LLC
Employer

APPEAL NO. 18A-UI-05985-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 05/06/18
Claimant: Appellant (2)**

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated May 24, 2018, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on June 18, 2018. Claimant participated. Employer participated by Amanda Cosgrove. Employer's Exhibits 1-7 were admitted into evidence.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on May 9, 2018. Claimant voluntarily quit her job on May 10, 2018, after employer had announced that shifts would change from the eight hour shifts that had been in effect since claimant had been hired to mandatory twelve hour shifts. Claimant explained to employer at the time of the announcement that the twelve hour shifts would not work for her as she lived over a half hour away and moving the shifts to twelve hour shifts would completely use up her days whenever she worked.

Claimant was told of this change on May 4, 2018 and told that it would apply as of May 10, 2018. Claimant attempted to contact a supervisor about her concerns, but her calls were not returned. Employer stated that they thought a meeting had been set with another supervisor, but claimant quit before the meeting could be held. Employer who testified at the hearing stated that the change was supposed to be temporary, for some unspecified period of time until fully staffed. Employer at the company meeting stated that the change was successful until it became permanent.

REASONING AND CONCLUSIONS OF LAW:

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 administrative law judge holds that the evidence has established that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because employer made a substantial change to the employment conditions by making the workday be a twelve hour day rather than the eight hour day that it had been for the entire time claimant worked for employer. Employer's statement on the employment offer that hours may change as conditions determined was not specific enough and was too remote in time for claimant to have planned for twelve hour days.

DECISION:

The decision of the representative dated May 24, 2018, reference 01, is reversed. Unemployment insurance benefits are allowed, provided claimant is otherwise eligible.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/scn