

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

PATRICIA A SIMPSON
Claimant

APPEAL NO: 14A-UI-00706-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

AMERICAN LEGION #363
Employer

OC: 12/15/13
Claimant: Respondent (1)

Section 96.5-1 – Voluntary Quit
871 IAC 24.26(1) – Job Change

STATEMENT OF THE CASE:

The employer appealed a department decision dated January 13, 2014, reference 01, that held the claimant voluntarily quit employment with good cause attributable to the employer on December 18, 2013, and benefits are allowed. A telephone hearing was held on February 5, 2014. The claimant participated. Mike Timmins, Legion Commander, participated for the employer.

ISSUE:

The issue is whether the claimant voluntarily quit with good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge having heard the witness testimony and having considered the evidence in the record, finds: The claimant began work for the employer on July 27, 2007 as a part-time bartender without any work hour guarantee. During the 2013 employment year her average weekly wage was \$173.44. She last earned \$7.25 an hour.

Timmins became Legion commander in July 2013. He had a meeting with claimant and the other part-time bartenders on November 5. The employer was hiring a bar manager and part-time bartenders. Claimant had been working open to close Tuesdays, Thursdays and every other Wednesday. She also worked some weekends. Claimant believed she averaged about 27 to 29 hours each week. Claimant responded she didn't mind limiting her work hours to two days (open to close) each week. She understood she would lose two weekly hours due to no longer ordering and scheduling.

Claimant was told she could get additional weekly work hours if she wanted to do kitchen and/or clean-up work. Claimant had no issue with the employer work schedule posted December 1 thru December 18. On December 16 she learned she was not scheduled again after December 18 until January 3/4. She gave notice to the bar manager she was quitting on December 16 due to the reduced hours and her opposition to do kitchen or clean-up that had not been part of her work routine. She worked as scheduled on December 18.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5-1 provides:

An individual shall be disqualified for benefits:

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.

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 administrative law judge concludes that the claimant voluntarily quit with good cause attributable to the employer on December 16, 2013 due to job changes.

Claimant was hired and worked as a bartender. The employer proposal to have her do kitchen or clean-up to get additional work hours is a substantial job change. The failure of the employer to provide claimant with any work hours from December 18 to January 3 supports claimant's position her work hours were going to be permanently reduced that is also a substantial job change.

DECISION:

The department decision dated January 13, 2014, reference 01, is affirmed. The claimant voluntarily quit with good cause on December 18, 2013. Benefits are allowed, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/pjs