

ISSUE:

Did the claimant voluntarily quit her employment for reasons that qualify her to receive unemployment insurance benefits?

FINDINGS OF FACT:

The claimant started working for the employer on May 18, 2005. The employer hired the claimant to work full time in packaging. When the employer hired the claimant, there was no discussion about the employer relocating to Davenport, Iowa. When the claimant learned the employer was relocating to Davenport, she decided to move to the Davenport area and continue her employment.

The claimant and her husband made arrangements to move from Marion to Maquoketa on September 29, 2005. The claimant asked the employer for time off to move. The employer denied the claimant's request because the employer previously told employees that from Labor Day to the end of the year employees would be working seven days a week and no one would be granted any time off. The claimant had problems getting ready to move because she worked seven days a week and traveled 90 miles one way to work until she moved.

On September 18, the claimant notified the employer she was unable to work as scheduled because of car problems. On September 19, 2005, the employer gave the claimant a written warning for her absence the day before. The warning informed the claimant that during the next 120 days she could not have any absences or the employer would discharge her. When the claimant asked management what would happen on the day she moved, the manager smiled and said nothing.

On September 19, 2005, the claimant was unable to work for 45 minutes because the employer did not have a working scale for her to use to do her job. After the employer made arrangements to get a working scale to the claimant, she learned that by lunch break the employer required all packagers to have packed 400 items or they would be sent home. The claimant packaged 315 items. Before lunch the claimant asked her supervisor what would happen if she did not meet the quota because she had been unable to work for 45 minutes. The supervisor did not know, but indicated he would ask management. No one answered the claimant's question as to what would happen if she did not meet her quota by lunch.

The claimant did not work after September 19. The claimant quit on September 19 because the employer breached the employment relationship by denying her time off to move.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer, or an employer discharges her for work-connected misconduct. Iowa Code §§ 96.5-1, 2-a. In this case, the employer forced the claimant's employment separation. When a claimant quits, she has the burden to establish she quit with good cause attributable to the employer. Iowa Code § 96.6-2.

The law presumes a claimant voluntarily quits with good cause when she leaves employment because of a change in the employment contract. 871 IAC 24.26(1). In May when the employer hired the claimant, the claimant accepted work at the employer's Cedar Rapids

location. The employer did not initially tell the claimant the employer was relocating to the Davenport area. Even though the claimant had good cause to quit when the employer relocated, she decided to continue her employment and move with the job. Since the employer required the claimant to move, the employer had an obligation to give the claimant a reasonable amount of time off to move. When the claimant could not move until after Labor Day, the employer denied the claimant time off to move. The employer's refusal to grant the claimant time off to move as a result of the employer relocating from Cedar Rapids to Davenport amounts to a substantial breach in the employment relationship. The claimant quit her employment for reasons that qualify her to receive unemployment insurance benefits.

The employer is not one of the claimant's base period employers. During the claimant's current benefit year, the employer's account will not be charged.

DECISION:

The representative's October 7, 2005 decision (reference 03) is reversed. The claimant voluntarily quit her employment for reasons that qualify her to receive unemployment insurance benefits. As of September 18, 2005, the claimant is qualified to receive unemployment insurance benefits, provided she meets all other eligibility requirements. During the claimant's current benefit year, the employer's account will not be charged.

dlw/kjw