

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

---

**KAREN J REITER**  
Claimant

**WALGREEN CO**  
Employer

**APPEAL NO. 18A-UI-05177-B2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 04/08/18**  
**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 April 24, 2018, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on May 22, 2018. Claimant participated. Employer participated by Tyler Church.

**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 January 11, 2018. Claimant voluntarily quit on February 14, 2018, after she was asked to switch from her exclusive role working at the register in the photo lab as a photo specialist to working as a general service clerk.

Claimant is an elderly woman who has previously given doctor's notes to employer regarding her ability to lift items. These were presented to employer approximately five years ago. Claimant had worked for employer for over 20 years. For a large percentage of that that time, and for the last many years, claimant had worked as a photo specialist. On December 27, 2017, employer had an employee meeting where it was announced that employees would no longer be working in specific areas and all employees would be shifting from one area to another to acquaint them with all aspects of the store, thereby hopefully keeping employees more interested and knowledgeable about all aspects of the store.

Claimant immediately expressed concern to employer that she would not be able to work the front register as it involved much more activity than at the photo register and often required lifting and moving heavy items. Employer requested that claimant bring in a new doctor's note listing restrictions that would prevent claimant from working at the front register.

When claimant worked at the photo register, employer allowed claimant to have a seat near the register to sit on when claimant needed a rest. This was in accordance with a previous doctor's note claimant had presented.

Claimant stated that there was much more activity at the front register than at the photo register and that she was forced to lift, twist, and bend much more than she'd been accustomed. Within a couple days at the front register, claimant called in sick to work, being too sore from the previous day's work. Claimant then decided to quit her job when she was told that, absent a doctor's note, she would have to be working at the front register a couple days a week.

## **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 unilaterally changed claimant's job from the job that she had held for many years.

Ordinarily "good cause" is derived from the facts of each case keeping in mind the public policy stated in Iowa Code Section 96.2. *O'Brien v. EAB* 494 N.W.2d 660, 662 (Iowa 1993) (citing *Wiese v. IA Dept. of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986)). "The term encompasses real circumstances, adequate excuses that will bear the test of reason, just grounds for the action, and always the test of good faith." *Wiese v. IA Dept. of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986). "Common sense and prudence must be exercised in evaluating all of the circumstances that led to an employee's quit in order to attribute the cause for the termination." *Id.* In this matter, "good cause" encompasses claimant's additional duties and movements required through her being moved from the photo register to the front register. Claimant's testimony showed that there were substantial differences she encountered with this move, although she attempted to work the front register to the best of her ability. It was employer's decision to remove claimant from the position she'd worked for many years that forced claimant to retire. This decision to change job duties constitutes a change of the contract of hire and constitutes good cause for claimant's quit.

**DECISION:**

The decision of the representative dated April 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