

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MARCUS A ERWIN**  
Claimant

**APPEAL NO. 13A-UI-07598-M**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**PANAMA TRANSFER INC**  
Employer

**OC: 06/02/13**  
**Claimant: Respondent (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Employer filed an appeal from a decision of a representative dated June 20, 2013, reference 01, which held claimant eligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on November 15, 2013. Claimant participated. Employer participated by B. J. Bruck, Shop Manager. Exhibits One, Two and Three 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 24, 2013. Claimant quit because of a change in work hours. Claimant worked a day shift starting at 8:00 a.m. and was switched to an afternoon shift at 1:00 p.m. Employer changed the shift because claimant was missing a lot of work due to illness. Claimant had worked the day shift for a year prior to the separation. Claimant protested the change on Friday and as a result left early. Claimant returned to work on Monday to give the afternoon shift a try. Employer refused to let claimant work on Monday on the presumption that claimant walked off the job Friday and quit. Claimant was willing to continue working but for employer's actions.

**REASONING AND CONCLUSIONS OF LAW:**

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 of a significant change in the contract of hire. This is not a written contract. It is the terms of employment by which claimant worked. Claimant had over a year as a day shift worker before employer unilaterally change the work hours. This is a significant change in job duties that amount to good cause attributable to employer for a quit. The facts are taken in a light most favorable to employer. Benefits allowed.

Iowa Code § 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.

**DECISION:**

The decision of the representative dated June 20, 2013, reference 01, is affirmed. Unemployment insurance benefits are allowed, provided claimant is otherwise eligible.

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Marlon Mormann  
Administrative Law Judge

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Decision Dated and Mailed

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