

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

REBECCA S STOKES

Claimant

APPEAL NO. 08A-UI-11176-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

HAPPY CHEF OF WATERLOO INC

Employer

**OC: 11/02/08 R: 03
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Rebecca S. Stokes filed a timely appeal from an unemployment insurance decision dated November 24, 2008, reference 01, that disqualified her for benefits. After due notice was issued, a telephone hearing was held December 17, 2008 with Ms. Stokes participating. General Manager Ryan Christianson participated for the employer, Happy Chef of Waterloo, Inc.

ISSUE:

Did the claimant leave work with good cause attributable to the employer?

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Rebecca S. Stokes was employed part-time by Happy Chef of Waterloo from January 2007 until she resigned on or about June 4, 2008. She worked part-time as a dishwasher, prep cook and waitress. Shortly before June 4, 2008 the person who was general manager at the time told Ms. Stokes that she would be working exclusively in the dish room for a while because another employee had resigned. A person who Ms. Stokes had recently trained in the dish room would be working as a waitress. Believing that this person was starting trouble for her, Ms. Stokes resigned. She also resigned in order to work with her psychiatrist about a personal situation. Ms. Stokes' hours would not have been reduced as a result in the change of duties.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence establishes that the claimant left work with good cause attributable to the employer. It does not.

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.

The claimant has the burden of proof. See Iowa Code section 96.6-2. Although a substantial change in the conditions of employment is a nondisqualifying reason for separation from employment, a mere change in duties is not in itself sufficient to establish a substantial change. See 871 IAC 24.26(1). While Ms. Stokes may have assumed that she would receive fewer hours, both she and the employer witness agreed that another employee from the dish room had recently resigned. It also appears from the claimant's testimony that she resigned because of a real or perceived conflict with the employee she had trained who was going to be working as a waitress and because of personal matters. Looking at each of these reasons separately and considering the totality of the circumstances, the administrative law judge concludes that the evidence does not establish good cause attributable to the employer for a resignation. Benefits are withheld.

DECISION:

The unemployment insurance decision dated November 24, 2008, reference 01, is affirmed. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

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