

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

SONYA K DELGADO
Claimant

R C CASINO LLC
Employer

APPEAL 21A-UI-16586-AW-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 04/25/21
Claimant: Appellant (2)**

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

Claimant filed an appeal from the July 19, 2021 (reference 01) unemployment insurance decision that denied benefits finding that claimant voluntarily quit her employment on June 20, 2020 without good cause attributable to employer. The parties were properly notified of the hearing. A telephone hearing was held on October 7, 2021, at 11:00 a.m. Claimant provided a written statement in lieu of participating personally due to a scheduling conflict. Claimant's statement was read into the record. Employer participated through Courtney Remley, Human Resources Business Partner. No exhibits were admitted. Official notice was taken of the administrative record.

ISSUE:

Whether claimant's separation was a voluntary quit without good cause attributable to employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed as a full-time Cook from March 31, 2017 until her employment with R C Casino ended on June 20, 2021. Claimant worked Friday through Tuesday from 8:00 a.m. until 3:30 p.m.

On March 17, 2020, employer closed pursuant to the governor's mandate due to Covid-19. Employer paid claimant her regular wages through May 1, 2020. On May 15, 2020, employer recalled claimant. Claimant returned and worked until May 21, 2020, when she began experiencing Covid-19 symptoms.

On June 11, 2021, while claimant was still on leave, employer notified claimant that her work schedule would be changing to 5:00 p.m. until 1:30 a.m. Claimant did not have childcare to accommodate the new schedule. Claimant explained this to employer and requested her original work schedule. Employer could not accommodate claimant's request.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant voluntarily quit her employment with good cause attributable to employer. Benefits are allowed provided claimant is otherwise eligible.

Iowa Code § 96.5(1) provides: An individual shall be disqualified for benefits, if the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

A voluntary quitting means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer and requires an intention to terminate the employment. *Wills v. Emp't Appeal Bd.*, 447 N.W. 2d 137, 138 (Iowa 1989). A voluntary leaving of employment requires an intention to terminate the employment relationship accompanied by an overt act of carrying out that intention. *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 608, 612 (Iowa 1980); *Peck v. Emp't Appeal Bd.*, 492 N.W.2d 438 (Iowa Ct. App. 1992).

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973). The standard of what a reasonable person would have believed under the circumstances is applied in determining whether a claimant left work voluntarily with good cause attributable to the employer. *O'Brien v. Employment Appeal Bd.*, 494 N.W.2d 660 (Iowa 1993).

Where a claimant gives numerous reasons for leaving employment the agency is required to consider all stated reasons which might combine to give the claimant good cause to quit in determining any of those reasons constitute good cause attributable to the employer. *Taylor v. Iowa Dep't of Job Serv.*, 362 N.W.2d 534 (Iowa 1985).

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.

Claimant voluntarily quit her employment on June 20, 2020 because there was a substantial change in her working hours. Claimant has met her burden of proving good cause attributable to employer. Benefits are allowed provided claimant is otherwise eligible.

DECISION:

The July 19, 2021 (reference 01) unemployment insurance decision is reversed. Claimant voluntarily quit her employment with good cause attributable to employer. Benefits are allowed provided claimant is otherwise eligible.



Adrienne C. Williamson
Administrative Law Judge
Unemployment Insurance Appeals Bureau
Iowa Workforce Development
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515)478-3528

October 15, 2021
Decision Dated and Mailed

acw/scn