

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

LYNDSEY M KALVIG
Claimant

APPEAL 17A-UI-06958-DL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**CHARLEY BROWN COMMUNITY
DAY CARE**
Employer

**OC: 06/18/17
Claimant: Appellant (2)**

Iowa Code § 96.5(1) – Voluntary Quitting
Iowa Admin. Code r. 871-24.26(1) – Voluntary Quitting – Change in Contract of Hire
Iowa Admin. Code r. 871-24.27 – Voluntary Quitting – Part-time Employment

STATEMENT OF THE CASE:

The claimant filed an appeal from the July 7, 2017, (reference 02) unemployment insurance decision that denied benefits based upon voluntarily quitting the employment. The parties were properly notified about the hearing. A telephone hearing was held on July 26, 2017. Claimant participated. Employer did not respond to the hearing notice instruction and did not participate.

ISSUE:

Did claimant voluntarily quit the employment with 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 part-time child care worker from August 2016, through September 26, 2016. During interview and hire she advised the employer she must leave by 2 p.m. to pick up her child from school in a nearby town. The employer then started keeping claimant at work such that she was late picking up her daughter. Claimant is eligible for Department Approved Training (DAT).

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily quit the employment with good cause attributable to the employer.

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.

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:

24.26(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 employer's change in work hours as agreed at hire is evidence of a substantial change in the terms of hire. Even were it not, claimant would be eligible for benefits pursuant to Iowa Admin. Code r. 871-24.27 according to other base-period wages. Thus, the separation was with good cause attributable to the employer.

DECISION:

The July 7, 2017, (reference 02) unemployment insurance decision is reversed. The claimant voluntarily quit the employment with good cause attributable to the employer. Benefits are allowed, provided she is otherwise eligible. Employer's account shall not be charged for benefits paid during claimant's eligibility for DAT.

Dévon M. Lewis
Administrative Law Judge

Decision Dated and Mailed

dml/rvs