

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LINDSEY A SIDMAN
Claimant

APPEAL NO: 10A-UI-16916-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

**KENDRAN LC
APPLE KIDS**
Employer

**OC: 11/14/10
Claimant: Respondent (1)**

Section 96.5-1 – Voluntary Quit
871 IAC 24.26(1) – Job Change

STATEMENT OF THE CASE:

The employer appealed a department decision dated December 8, 2010, reference 01, that held the claimant voluntarily quit employment with good cause attributable to the employer due to a job change on November 4, 2010, and benefits are allowed. A telephone hearing was held on January 26, 2011. The claimant participated. Kendran Imhoff, Director, participated for the employer. Employer Exhibits 1 & 2 was received as evidence.

ISSUE:

The issue is whether the claimant voluntarily quit with good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge having considered the evidence in the record, finds: The claimant was hired by the employer as a full-time child care provider to work 40 hours each week on July 24, 2008. The claimant was scheduled to start work as the first person at 6:30 a.m.

The claimant called her director on October 25 to say she would not be able to report by 6:30 a.m. The director changed claimant's schedule by moving her from the first report person to the second position that starts at 7:15 a.m. The claimant responded by giving a two-week notice she was quitting due to the change of start time to work and the work hour reduction that would result. The employer knew claimant was taking on-line classes at Kaplan University, and she would be unable to stay at work and work later in order to make up the loss of hours each day. The employer accepted claimant's resignation, and she left employment on November 4.

REASONING AND CONCLUSIONS OF LAW:

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.

The administrative law judge concludes that the claimant voluntarily quit employment with good cause attributable to the employer effective November 4, 2010 due to a substantial change in her job position.

The employer imposed job changes as to claimant's start time that would cause a substantial reduction in her full-time work hours each week that is a good cause for leaving employment.

DECISION:

The department decision dated December 8, 2010, reference 01, is affirmed. The claimant voluntarily quit with good cause attributable to the employer on November 4, 2010. Benefits are allowed, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/pjs