

**IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI**

**LAURA C ALLMON  
21270 OLD LINCOLN HWY  
CRESCENT IA 51526**

**HARVEYS IOWA MANAGEMENT CO INC  
HARRAHS COUNCIL BLUFFS CASINO  
1 HARVEYS BLVD  
COUNCIL BLUFFS IA 51501**

**Appeal Number: 04A-UI-07715-DT  
OC: 06/20/04 R: 01  
Claimant: Appellant (2)**

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

**STATE CLEARLY**

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

**Section 96.5-1 – Voluntary Leaving**

**STATEMENT OF THE CASE:**

Laura C. Allmon (claimant) appealed a representative's July 8, 2004 decision (reference 01) that concluded she was not qualified to receive unemployment insurance benefits after a separation from employment from Harvey's Iowa Management Company, Inc. (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on August 10, 2004. The claimant participated in the hearing. Crystal McKeehan appeared on the employer's behalf and presented testimony from one other witness, Roy Bangart. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit for a good cause attributable to the employer?

FINDINGS OF FACT:

The claimant started working for the employer on January 1, 1996. She worked full time as a table games dealer in the employer's casino. Her last day of work was June 17, 2004. She submitted her resignation on June 10 effective June 17. Her reason for quitting was an upcoming change being imposed on her work schedule.

Since her employment began, the claimant had worked 6:30 a.m. to 3:00 p.m., Tuesday through Saturday, with Sunday and Monday off. The employer determined, for business needs, to restructure the table game dealer schedules. Effective June 18, the claimant's schedule would become 6:30 a.m. to 3:00 p.m. Friday through Tuesday, with Wednesday and Thursday off. The claimant approached her manager, Mr. Bangart, on or about June 9 and indicated that this new schedule would not work for her because of family obligations. He suggested the possibility of switching her to a schedule of Tuesday through Saturday, from 9:30 a.m. to 6:00 p.m., but indicated her prior schedule was no longer going to be an option. On June 10, the claimant returned to Mr. Bangart and indicated that the 9:30 a.m. to 6:00 p.m. schedule also would not work due to her family obligations. Mr. Bangart indicated that there were no other options, so the claimant indicated that she would work through June 17, the last day before the schedule change, and then quit.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant voluntarily quit for 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.

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.

"Good cause attributable to the employer" does not require fault, negligence, wrongdoing or bad faith by the employer, but may be attributable to the employment itself. Dehmel v. Employment Appeal Board, 433 N.W.2d 700 (Iowa 1988); Raffety v. Iowa Employment Security Commission,

76 N.W.2d 787 (Iowa 1956). The change in the claimant's work schedule that was to have been implemented was a substantial change in the claimant's employment arrangement. Dehmel, supra. Benefits are allowed.

DECISION:

The representative's July 8, 2004 decision (reference 01) is reversed. The claimant voluntarily quit for good cause attributable to the employer. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

ld/b