

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DENISE TATE
Claimant

APPEAL NO: 12A-UI-03387-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

COVENANT MEDICAL CENTER INC
Employer

OC: 02-26-12
Claimant: Appellant (2)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the March 30, 2012 reference 01, decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on April 18, 2012. The claimant participated in the hearing. The employer provided a phone number prior to the hearing but was not available at that number at the time of the hearing and did not participate in the hearing or request a postponement of the hearing as required by the hearing notice.

ISSUE:

The issue is whether the claimant voluntarily left her employment for good cause attributable to the employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a part-time admission clerk for Covenant Medical Center from August 8, 1998 to July 6, 2011. The claimant suffered a work-related injury February 8, 2008, when she was working full-time as a surgical ambulatory nurse and was not released to return to her previous job without restrictions. The only other position the employer offered her was a part-time job as an admission clerk. Her wages went from \$13.00 to \$10.00 per hour and instead of working 40 hours per week as she had previously she was given 20 to 24 hours per week during the six months she worked as an admission clerk. Consequently, she could not meet her living expenses. She did not have any family in Iowa and because she was close to becoming homeless, she gave the employer her two-week notice and moved to Florida so she could live with her daughter.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her 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.

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 claimant experienced a work-related injury and when she was released to return with restrictions the employer did not offer her the position she held previously or a comparable position. Because the claimant's hours were effectively cut by half and her hourly wage decreased by \$3.00, the claimant suffered a substantial change in her contract of hire. Therefore, benefits are allowed.

DECISION:

The March 30, 2012, reference 01, decision is reversed. The claimant voluntarily left her employment with good cause attributable to the employer. Benefits are allowed, provided the claimant is otherwise eligible.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/pjs