

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

GERALD RANKIN
Claimant

APPEAL NO. 08A-UI-08166-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**JOHN Q HAMMONS HOTELS
MANAGEMENT**
Employer

**OC: 08/24/08 R: 02
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated September 12, 2008, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on September 29, 2008. Claimant participated. Employer participated by Barbara Foertsch, Human Resource Director; Brady Mishler, Front Office Manager; and Jane Briggs, Assistant General Manager. Exhibit One was admitted into evidence.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on August 19, 2008. Claimant quit because he was assigned additional duties beyond those of a bell captain. Claimant was assigned to power wash, run errands, deliver robes and anything else where shorthanded. Claimant did not complain to management about the additional responsibilities.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because of a change in job duties. Claimant quit because of additional duties asked of him. The frequency and duration of the additional tasks was not so significant as to create a change in the contract of hire. While claimant was getting more work it was not enough to constitute a significant change in the contract of hire. Claimant's failure to grant employer the chance to resolve the issue also detracts from a finding of a significant change in the contract of hire. This is a quit for personal reasons. Benefits withheld.

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.

DECISION:

The decision of the representative dated September 12, 2008, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/css