

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CANDI A DEMIEN-ISLES

Claimant

APPEAL NO: 07A-UI-07227-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

DRIESSEN WATER I INC

CULLIGAN WATER CONDITIONING

Employer

**OC: 07/01/07 R: 02
Claimant: Respondent (1)**

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

Driessen Water I, Inc. / Culligan Water Conditioning (employer) appealed a representative's July 24, 2007 decision (reference 01) that concluded Candi A. Demien-Isles (claimant) was qualified to receive unemployment insurance benefits after a separation from employment. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on August 13, 2007. The claimant participated in the hearing. Jeff Jaehrling appeared on the employer's behalf. 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 August 27, 2001. She worked full time (at least 32 hours) as a receptionist and bookkeeper in the employer's Boone, Iowa office of the employer's water conditioning sales and service business. Her last day of work was June 8, 2007.

In early May 2007 the employer advised the claimant that there was not enough work for the claimant in the office to justify a 32-hour position, and that effective in June the claimant's position would be reduced to a 20-hour position. The claimant and the employer discussed the change; the claimant indicated and the employer understood that the claimant would not be able to continue working in the position once the hours were reduced. As a result, the date of June 8 was mutually agreed upon as being the claimant's last day of work.

REASONING AND CONCLUSIONS OF LAW:

If the claimant voluntarily quit her employment, she is not eligible for unemployment insurance benefits unless it was for good cause attributable to the employer.

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.

"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 hours from 32 hours per week to 20 hours per week which was to have been implemented was a substantial change in the claimant's contract of hire. Dehmel, supra. Benefits are allowed.

DECISION:

The representative's July 24, 2007 decision (reference 01) is affirmed. 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.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/pjs