

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

JULIE D CARPER
Claimant

ALDI INC
Employer

APPEAL NO. 17A-UI-05661-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/23/17
Claimant: Appellant (2)

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated May 26, 2017, reference 03, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on June 15, 2017. Claimant participated. Employer participated by Chelsie Crouse.

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 December 19, 2016. Claimant was hired by employer as a shift manager. A shift manager is to receive \$16.50/hour. Normal cashiers are to receive \$12.50/hour. Shift managers are to receive 89 hours of training before being eligible to be shift managers and receive the higher rate of pay.

Employer stated that shift managers are never guaranteed to receive the higher rate of pay. They only receive shift manager pay when they are running the store, and shift managers are not guaranteed to ever run the store. Shift managers only run the store when the store manager isn't working, and the store manager chooses to place a particular shift manager to manage the store. Claimant had not worked as a shift manager during over two months of working fulltime hours for employer.

Claimant stated that when she was hired, she was simply told that she would be paid as a shift manager. Claimant stated that she kept working for months as she needed the pay even though it was not what she'd been promised.

Claimant stated that in addition to the pay not being as stated, that she'd also received reduced hours. Employer stated that claimant was incorrect and that claimant had worked full time hours up until the date of claimant's quit.

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.

Iowa Admin. Code r. 871-24.26(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 holds that the evidence has established that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because employer was not paying claimant at the rate she was promised when she was hired. Employer offered no evidence to controvert that claimant was promised to be paid the shift manager rate at all times working for employer. As the rate of pay was different than the agreed-to rate of pay at the time of hire, claimant's quit was with good cause attributable to employer.

DECISION:

The decision of the representative dated May 26, 2017, reference 03, is reversed. Unemployment insurance benefits are allowed provided claimant is otherwise eligible.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/scn