CANDACE NEHRING
Claimant

H3 HOSPITALITY LLC
Employer

APPEAL NO. 17A-UI-13450-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 12/03/17
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 December 19, 2017, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on January 24, 2018. Claimant participated. Employer failed to respond to the hearing notice and did not participate. Claimant's Exhibits A-B were 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: As claimant was the only participant in the hearing, all findings of fact are derived from claimant's testimony. Claimant last worked for employer on November 27, 2017. Claimant voluntarily quit work on November 29, 2017, after she was insulted by her supervisor and repeatedly had her hours reduced by employer despite being hired for full-time work and complaining about the reduced hours to the company's chief operating officer.

Claimant had worked as a hotel GM for employer before that hotel was bought by another company. In May of 2017, claimant was asked to remain with the company as it was grooming her to run a new hotel being built in Ankeny. She worked full-time hours consistently from May to October, operating mainly out of a hotel in Ft. Dodge, but also out of other hotels as needed. In October, claimant's general manager of the Ft. Dodge hotel moved claimant from 40 hours to 32 hours, and then to 24 hours a week. Claimant spoke with the company's COO about the hour reduction in hopes of restoring full-time hours. In the next month, claimant's hours were reduced to 16 hours in her last week of work. Claimant then sent an email to the owner stating that she believed the Ft. Dodge hotel's general manager was doing this against her. Claimant offered to either go on a leave of absence until Ankeny was ready to open or she could quit. Employer accepted claimant's resignation.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 96.5-1 provides:

> An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:
>
> 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 her hours were reduced to less than half of the hours she was to get when she was hired. A reduction of hours to the extent stated constitutes a change of contract terms and constitutes good cause to quit.

DECISION:

The decision of the representative dated December 19, 2017, reference 01, is reversed. Unemployment insurance benefits are allowed, provided claimant is otherwise eligible.

_____
Blair A. Bennett
Administrative Law Judge

_____
Decision Dated and Mailed

bab/scn