

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**DONNA JOHNSON**  
Claimant

**APPEAL NO. 14A-UI-07222-BT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**HOLY SPIRIT RETIREMENT HOME**  
Employer

**OC: 06/22/14  
Claimant: Respondent (1)**

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Iowa Code § 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

Holy Spirit Retirement Home (claimant) appealed an unemployment insurance decision dated July 9, 2014, (reference 01), which held that Donna Johnson (claimant) was eligible for unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on August 6, 2014. The claimant participated in the hearing with Attorney Dennis McElwain. The employer participated through Administrator Pat Tomscha, Assistant Administrator Chris Sieverson, Director of Nursing Lisa Turner, and Human Resources Coordinator Dorene Becker. Employer's Exhibit One was admitted into evidence.

**ISSUES:**

The issues are whether the claimant is disqualified for benefits, whether she was overpaid unemployment insurance benefits, whether she is responsible for repaying the overpayment and whether the employer's account is subject to charge.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on January 3, 1990, as a full-time licensed practical nurse. She became the medical records coordinator two years later and worked Mondays through Fridays. The claimant continued in this position until June 16, 2014, when she quit due to a change in the contract of hire. Her position was being eliminated due to the reorganization of the nursing office.

The employer gave the claimant the opportunity to continue employment by offering her either the job of a rehabilitation coordinator or a direct care nurse. The positions paid the same but involved different duties and the nurse position would include working weekends and holidays. The claimant had never worked as a rehabilitation counselor and had not worked as a nurse for over 20 years. She felt it would not have been safe to accept these positions.

**REASONING AND CONCLUSIONS OF LAW:**

The issue is whether the claimant's voluntary separation from employment qualifies her to receive unemployment insurance benefits. She is not qualified to receive unemployment insurance benefits if she voluntarily quit without good cause attributable to the employer. Iowa Code § 96.5-1.

The claimant quit on June 16, 2014, due to a change in the contract of hire. The law presumes a claimant has left employment with good cause when she quits because of a change in the contract of hire. 871 IAC 24.26(1). A "change in the contract of hire" means a substantial change in the terms or conditions of employment. See *Wiese v. Iowa Dept. of Job Service*, 389 N.W.2d 676, 679 (Iowa 1986). Generally, a substantial reduction in hours or pay will give an employee good cause for quitting. See *Dehmel v. Employment Appeal Board*, 433 N.W.2d 700 (Iowa 1988). In analyzing such cases, the Iowa Courts look at the impact on the claimant, rather than the employer's motivation. *Id.*

It is the claimant's burden to prove that the voluntary quit was for a good cause that would not disqualify her. Iowa Code § 96.6-2. She met that burden. The voluntary quit was with good cause attributable to the employer and benefits are allowed.

**DECISION:**

The unemployment insurance decision dated July 9, 2014, (reference 01), is affirmed. The claimant voluntarily quit her employment with good cause attributable to the employer and is qualified to receive unemployment insurance benefits, provided she is otherwise eligible.

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Susan D. Ackerman  
Administrative Law Judge

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Decision Dated and Mailed

sda/pjs