

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

WILLIAM A O'DELL
Claimant

APPEAL NO. 13A-UI-09330-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**DOHERTY EMPLOYMENT GROUP
UNITED SUGARS CORPORATION**
Employer

**OC: 07/07/13
Claimant: Appellant (2)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated August 5, 2013, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on September 18, 2013. Claimant participated. Employer participated by Rhonda Pantila, Unemployment Insurance Administrator and Jared Johnson, Plant Supervisor.

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 November 23, 2012. Claimant quit because of a change in work hours. Claimant started at seven in the morning to seven in the evening. Employer changed the work hours to three in the afternoon. Claimant did not sign on to work the afternoon shift. Employer also laid claimant off after claimant complained about the change in work hours for which claimant gave notice.

REASONING AND CONCLUSIONS OF LAW:

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 of a significant change in the contract of hire. Moving from a day shift to evening shift is a significant change in job duties. This is a quit for good cause attributable to employer. Even if claimant had toughed it out, he was getting laid off in just a matter of days. Good cause attributable to employer for the quit is held.

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 August 5, 2013, reference 01, is reversed. Unemployment insurance benefits are allowed, provided claimant is otherwise eligible.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/pjs