

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

BARBARA A VERMEDAHL
Claimant

APPEAL NO. 18A-UI-01874-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

IOWA ETHANOL LLC
Employer

OC: 01/07/18
Claimant: Appellant (1)

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated January 29, 2018, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on March 7, 2018. Claimant participated. Employer failed to respond to the hearing notice and did not participate.

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 January 3, 2018. Claimant voluntarily quit on that date. Although claimant did not state a particularized reason or reasons for her quit on her resignation letter, she stated that she quit because over the previous six months, employer had repeatedly changed her job duties and assignments.

Claimant worked as an accountant for employer. For over a decade, claimant worked as a grain accountant for employer. In February of 2017, claimant was moved to ethanol invoicing and payments. In June, 2017, claimant's job duties were changed yet again. And she was now to work on accounts payable. These movements were as a part of company restructuring. In July of 2017, claimant was moved back to grain accounting, but was to be responsible to multiple different plants.

On December 19, 2017, claimant received a document entitled Change in Job Responsibilities Expectations. (Cl. Ex. A). Said document indicated claimant would have responsibilities of accounts payable. It further stated that claimant's previous experience in accounts payable had limited success. The document indicated claimant was to go through training for the next couple of months to increase her knowledge of accounts payable and processes to be followed. Said document indicated that failure to meet expectations could result in job termination.

Claimant saw this document as a performance improvement plan although employer stated it was a framework for moving forward. Claimant felt expectations were unreasonable and on top of the new assignments, she was asked to do receptionist work when people came by.

Claimant decided on January 3, 2018 that she could not put up with the job and job changes any longer. Claimant stated that at the time of her quit, she was one of seven accountants working for employer to quit in six months.

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. 871-24.25(28) provides:

Voluntary quit without good cause. In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(28) The claimant left after being reprimanded.

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because she'd been asked to do different accounting duties than she'd done in the past and was told of new responsibilities, information, and procedures to learn.

Ordinarily "good cause" is derived from the facts of each case keeping in mind the public policy stated in Iowa Code Section 96.2. *O'Brien v. EAB* 494 N.W.2d 660, 662 (Iowa 1993) (citing *Wiese v. IA Dept. of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986)). "The term encompasses real circumstances, adequate excuses that will bear the test of reason, just grounds for the action, and always the test of good faith." *Wiese v. IA Dept. of Job Serv.*, 389 N.W.2d 676, 680 (Iowa 1986). "Common sense and prudence must be exercised in evaluating all of the circumstances that led to an employee's quit in order to attribute the cause for the termination." *Id.* In this matter claimant's large concerns appeared to derive from her December 19, 2017, Change in Job Responsibilities Expectations letter. As this letter is seen as a reprimand to claimant, her quit is seen as being in response to the reprimand. To look at it differently is to say that claimant, as an accountant, should not be asked to do other accounting duties than she'd been doing for an extended period. As a company grows and changes, it is reasonable for responsibilities of employees to change. The changes requested of claimant by employer were reasonable as they involved working as an accountant – the job for which claimant had been hired. These changes do not constitute good cause to quit that is attributable to employer.

DECISION:

The decision of the representative dated January 29, 2018, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/scn