

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RICHARD D MASON
Claimant

APPEAL NO. 09A-UI-07993-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**PETERSON AIR CONDITIONING
& HEATING SERVICES INC**
Employer

**Original Claim: 04/26/09
Claimant: Respondent (1)**

Section 96.5(1) –Voluntary Quit

STATEMENT OF THE CASE:

Peterson Air Conditioning & Heating Services, Inc. (Peterson) filed an appeal from a representative's decision dated May 22, 2009, reference 01, which held that no disqualification would be imposed regarding Richard Mason's separation from employment. After due notice was issued, a hearing was held by telephone on June 18, 2009. Mr. Mason participated personally. The employer participated by David Peterson, President.

ISSUE:

At issue in this matter is whether Mr. Mason was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Mason began working for Peterson on November 9, 2005 as a full-time installer. He last performed services on February 25, 2009. He voluntarily quit on March 6, 2009 because work was slow. He was off work for one week due to lack of work before he quit.

In January and February of 2006, Mr. Mason worked an average of 28 hours and 27 hours per week, respectively. In 2007, he averaged 25.5 and 21 hours per week in January and February. In 2008, the numbers were 29 and 23 hours per week. In January of 2009, he averaged 34 hours per week. In February of 2009, he averaged less than 20 hours per week. He was offered the opportunity to work in the shop but would only have been paid three-fourths of his regular \$17.50 per hour wage. As a result of the lack of hours, Mr. Mason quit.

REASONING AND CONCLUSIONS OF LAW:

An individual who leaves employment voluntarily is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). Mr. Mason quit because of reduced work hours. He had worked for the

employer a number of years and knew that work was historically slower during the winter months. However, the hours usually picked up in February. In 2009, the hours did not increase as anticipated. In fact, Mr. Mason was off for one full week due to lack of work before deciding to quit. By the employer's own figures, there were substantially fewer hours worked in February of 2009 than in prior years.

Although Mr. Mason could have supplemented his hours by working in the shop, he would have suffered a pay decrease by doing so. Whether there was a reduction in his hours or a reduction in his pay, the fact remains that there was a substantial change in the terms and conditions of Mr. Mason's employment. As such, he had good cause attributable to the employer for quitting. See 871 IAC 24.26(1).

DECISION:

The representative's decision dated May 22, 2009, reference 01, is hereby affirmed. Mr. Mason voluntarily quit his employment with Peterson for good cause attributable to the employer. Benefits are allowed, provided he is otherwise eligible.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/kjw