

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JAMES A HODGSON
Claimant

APPEAL NO. 09A-UI-07682-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

A-1 POOLS LLC
Employer

**Original Claim: 04/05/09
Claimant: Respondent (1)**

Section 96.5-1 – Voluntary Quit
871 IAC 24.26(1) – Job Change

STATEMENT OF THE CASE:

The employer appealed a department decision dated May 11, 2009, reference 01, that held the claimant voluntarily quit employment with good cause attributable to the employer due to a job change on April 8, 2009, and that allowed benefits. A telephone hearing was held on July 8, 2009. The claimant participated. David Sheridan, Owner, participated for the employer. Claimant Exhibits A and B were received as evidence. Official notice was taken of the department fact-finding documents.

ISSUE:

The issue is whether the claimant voluntarily quit with good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge, having considered the evidence in the record, finds: The claimant was hired by the employer as a part-time bookkeeper about June 24, 2008. The claimant was scheduled to work three days, with an average of 24 hours, each week. The claimant was hired to work out of his home with a pay rate of \$20.00 per hour. The claimant last worked and was paid for the week ending April 5, 2009. During the last two weeks of employment, the claimant was asked to train employee Amy Stevens to do office work that he had performed for the employer.

Owner Sheridan confronted the claimant on April 6 about a job change. Sheridan stated he could no longer afford to pay the claimant \$20.00 per hour. Sheridan told the claimant he wanted him to work in the field overseeing employee technicians due to some problems the employer had in having jobs completed in a proper manner. Sheridan told the claimant that having him work out of his house was not benefitting the employer.

When the claimant questioned Sheridan about the “specifics” of the job change, he gave vague responses. Sheridan would not state the amount of the pay reduction or the extent of the new job duties the claimant was to perform. The claimant pondered the job change and approached Sheridan on April 8 with the same issues. When Sheridan responded in a like manner as to what he said on April 6, the claimant chose to leave employment. The claimant was concerned that he could not physically perform the field work, that he had trained his replacement (Amy Stevens) to do office work, and with the uncertainty of the pay rate, which caused him to decline continuing employment.

REASONING AND CONCLUSIONS OF LAW:

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.

The administrative law judge concludes that the claimant voluntarily quit employment with good cause attributable to the employer effective April 8, 2009, due to a substantial change in his job position.

The employer proposed job changes of moving the claimant to perform field work at a lower rate of pay with “vagueness” about the specifics of that job, which constitutes a substantial change in the claimant's employment, which constitutes a voluntary quit with good cause. Stating that the employer could not afford to pay the claimant \$20.00 an hour would cause a reasonable person to believe that the employer was contemplating a substantial reduction coupled with the fact that the claimant was going to move out of the office to the field. The claimant was hired to do bookkeeping work out of his home, not field work overseeing technicians. The claimant training a recently-hired employee to do his office work caused him to believe that his job was changing. The employer knew the claimant was concerned with his rate of pay and the job-change specifics, yet it failed to resolve those issues on April 6 and April 8 during lengthy conversations.

DECISION:

The department decision dated May 11, 2009, reference 01, is affirmed. The claimant voluntarily quit with good cause attributable to the employer on April 8, 2009. Benefits are allowed, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/kjw