

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**POLLY A WILLIAMS**  
Claimant

**DM SERVICES INC**  
Employer

**APPEAL NO. 14A-UI-07356-B2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

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

Iowa Code § 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Employer filed an appeal from a decision of a representative dated July 11, 2014, reference 01, which held claimant eligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on August 8, 2014. Claimant participated. Employer participated by Rachael Ottens. Claimant's Exhibits 1-3 were admitted into evidence.

**ISSUES:**

Whether claimant quit for good cause attributable to employer.

Whether the claimant was overpaid benefits.

Whether the claimant should repay benefits and/or charge employer due to employer's participation or lack thereof in fact finding.

**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 June 19, 2014. Employer held a corporate meeting in May of 2014 wherein employer stated that hours would be reduced for all employees who did not meet newly established criteria. Claimant had been employed for 8 years with employer and had worked 40 hours a week for the majority of that time including the last few years.

Claimant's new work hours were reduced to 26 hours per week. Claimant was not offered to be maintained at 40 hours per week. Prior to the corporate meeting, claimant did not have to meet criteria in order to continue to receive 40 hours per work week.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code § 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.

Iowa Admin. Code r. 871-24.26(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 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 change of the contract for hire. Claimant had been consistently receiving 40 hours per week. Employer cut one-third of claimant's work hours with no guarantee of having those hours re-established. As a result of this action, claimant found it necessary to end her employment such that she could search for full-time employment. This is a voluntary quit for good cause attributable to employer.

As the administrative law judge has affirmed the decision of the fact finder. The questions of overpayment of benefits and employer participation are moot.

**DECISION:**

The decision of the representative dated July 11, 2014, reference 01, is affirmed. Unemployment insurance benefits are allowed, provided claimant is otherwise eligible. Claimant has not been overpaid benefits, and employer shall be charged for benefits received.

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Blair A. Bennett  
Administrative Law Judge

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Decision Dated and Mailed

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