

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ELENA M SASSMAN (KINSER)
Claimant

APPEAL NO. 09A-UI-08387-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

GREENLEAF SENIOR CARE INC
Employer

**Original Claim: 04/26/09
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 June 5, 2009, reference 01, that held the claimant voluntarily quit employment with good cause attributable to the employer due to a job change on April 30, 2009, and that benefits are allowed. A telephone hearing was held on June 29, 2009. The claimant participated. Dennis Coleman, Director, and Shelly Black, Director of Nursing, participated for the employer. Employer Exhibits One and Two were received as evidence.

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 full-time medical secretary on February 11, 2007. The claimant worked an average of 35 to 40 hours, Monday through Friday. The claimant signed an acknowledgement of receiving the employer's policies. There is no guarantee of permanent employment nor is there any contract of employment.

The claimant did work some additional jobs for the employer in addition to her medical secretary position. After Director Coleman began working for the employer on October 27, 2008, the claimant did experience some reduction of work hours. In early April 2009, Director Coleman talked to the claimant about a change of jobs to consider an activities position. At first the claimant was receptive, but she was concerned about a change in her work schedule.

On April 16, Director Coleman requested the claimant accept the activities position, which would involve working one or two nights a month, one or more weekend days a month, and would add 20 to 24 hours a week to her schedule. The claimant is a single mother, and she did not have any child care issues with her prior job. The claimant chose to decline the activities position due to the requirement to work nights and weekend days and resigned with two-week notice. During the last two weeks of the claimant's employment, she worked two days each week.

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 30, 2009 due to a substantial change in her job for position.

The claimant was hired as a full-time medical secretary. which became more of a part-time position with other job duties during the latter period of employment. Moving the claimant to a different job with a requirement to work nights and weekend days constitutes a substantial change in the claimant's employment that constitutes a voluntary quit with good cause.

DECISION:

The department decision dated June 5, 2009, reference 01, is affirmed. The claimant voluntarily quit with good cause attributable to the employer on April 30, 2009. Benefits are allowed, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/kjw