

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**KELSEY A MESSENGER**

Claimant

**APPEAL 20A-UI-08545-AW-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CENTRAL IOWA HOSPITAL CORP**

Employer

**OC: 04/19/20**

**Claimant: Appellant (2)**

Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

Claimant filed an appeal from the July 1, 2020 (reference 02) unemployment insurance decision that denied benefits. The parties were properly notified of the hearing. A telephone hearing was held on September 1, 2020, at 9:05 a.m. Claimant participated. Employer participated through Mitchell Spivey, Human Resources Business Partner. Claimant's Exhibit A was admitted. Official notice was taken of the administrative record.

**ISSUE:**

Whether claimant's separation was a voluntary quit without good cause attributable to employer.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began her employment with Central Iowa Hospital on March 19, 2018. Claimant was scheduled to be on maternity leave from March 12, 2020 until June 19, 2020. Claimant arranged with her supervisor to return to work early on April 23, 2020. At that time, claimant would have been furloughed by employer. Employer contacted claimant about returning to work on June 29, 2020. Claimant's schedule upon return would be different from the schedule she worked prior to maternity leave. Claimant had been working Monday through Friday; claimant's new schedule would be every other weekend and varying weekdays. Claimant resigned her position at that time due to the schedule change. Claimant was rehired by employer on July 27, 2020 as a PRN employee.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes claimant voluntarily quit her employment with good cause attributable to the employer. Benefits are allowed provided claimant is otherwise eligible.

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.

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 claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973).

Employer was changing claimant's schedule from Monday through Friday to every other weekend and varying weekdays. This constitutes a substantial change in the contract of hire and good cause for claimant to voluntarily quit her employment. Claimant's separation is not disqualifying. Benefits are allowed provided claimant is otherwise eligible.

**DECISION:**

The July 1, 2020 (reference 02) unemployment insurance decision is reversed. Claimant voluntarily quit with good cause attributable to employer. Benefits are allowed provided claimant is otherwise eligible.



---

Adrienne C. Williamson  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
Iowa Workforce Development  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax (515)478-3528

September 2, 2020  
Decision Dated and Mailed

acw/scn