

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ANGELA J KOERNER**  
Claimant

**APPEAL NO. 07A-UI-03927-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**EMW GROSCHOPP INC**  
Employer

**OC: 03/25/07 R: 01  
Claimant: Appellant (2-R)**

Section 96.5(1) – Quit

**STATEMENT OF THE CASE:**

The claimant, Angela Koerner, filed an appeal from a decision dated April 11, 2007, reference 01. The decision disqualified her from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on May 1, 2007. The claimant participated on her own behalf. The employer, EMW Groschopp, Inc. (EMW), participated by Vice President of Administration, Supervisor Glen Schueller, and Manufacturing Manager Jack Bradshaw.

**ISSUE:**

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

**FINDINGS OF FACT:**

Angela Koerner was employed by EMW from October 25, 2006 until March 28, 2007, as a full-time manufacturing technician. The claimant was hired jointly with another employee because the two of them needed each other to get to work. Ms. Koerner had a car but no drivers license, and the other employee had a license but no car.

At the beginning of her employment the claimant, along with all new employees, was given 20 hours of personal paid time off and 28 hours of paid sick leave. She exhausted all of these hours on illness by the end of December 2006. After that she missed 11 more days, for which she had a doctor's excuse. Her last period of illness was March 19 through 23, 2007, and she had a doctor's excuse for four of the five days.

On March 28, 2007, Vice President of Administration Connie Vander Ploeg and Supervisor Glen Schueller met with the claimant to discuss her future employment. Due to the extensive amount of absences she had incurred in five months, she was offered the opportunity to go to a "temporary" status, which would mean the same job, wages, and hours, but without medical, dental, or life insurance available to her as a permanent employee. The employer intended to offer her full-time work again if she proved to be able to maintain a good attendance record. As a temporary employee, she would work on a day-to-day basis without incurring any disciplinary action for absences.

Ms. Koerner said she had to think about it and later in the day told Mr. Schueller she was quitting to look for other work. The claimant has not yet obtained other work and is not able to accept employment outside of LeMars, Iowa, due to lack of transportation.

**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 claimant quit rather than accept the change in the contract of hire. As a temporary employee, she might be working the same job, hours, and wages, but she would not longer have medical, dental, or life insurance available, and given the fact the claimant is apparently ill a great deal, this would be a substantial loss to her. This constitutes good cause attributable to the employer and the claimant is qualified for benefits.

There is a serious question as to whether the claimant is able and available for work, due to the fact she has no transportation and this should be remanded.

**DECISION:**

The representative's decision of April 11, 2007, reference 01, is reversed. Angela Koerner is qualified for benefits, provided she is otherwise eligible.

The issue of whether the claimant is able and available for work due to lack of transportation and health issues is remanded to the Claims Section for determination.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

bgh/kjw