

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

WILLIAM J GRANAHAN
Claimant

GOFF TRUCKING LLC
Employer

APPEAL NO. 14A-UI-10656-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 09/21/14
Claimant: Appellant (2)**

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated October 8, 2014, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on December 3, 2014. Claimant participated. Employer participated through Rich Goff.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

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 September 4, 2014. Claimant worked as a semi-truck grain delivery driver for claimant.

Claimant was involved in a small accident in late August where he bumped an electric motor attached to a semi he was driving against a washer bay wall. Soon after this incident, employer asked claimant to sign a new contract that states that drivers will be responsible for the deductible for any accident that they are involved in. Claimant refused to sign this new contract.

A month or so later, claimant noticed that \$200.00 had been taken out of his check without his permission to provide payment for deductibles in accidents. Claimant asked that this money be returned. Claimant then quit as employer had reduced his paycheck without notice and approval from claimant.

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 employer first attempted to change the terms of his contract for employment without claimant's approval, then employer deducted money from claimant's check without claimant being informed.

DECISION:

The decision of the representative dated October 8, 2014, reference 01, is reversed. Unemployment insurance benefits are allowed, provided claimant is otherwise eligible.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/pjs