

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

HAROLD R FIELDS

Claimant

APPEAL NO. 09A-UI-00926-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

HEARTLAND EXPRESS INC OF IOWA

Employer

**OC: 11/23/08 R: 12
Claimant: Appellant (2)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Harold R. Fields filed a timely appeal from an unemployment insurance decision dated January 14, 2009, reference 01, that disqualified him for benefits. After due notice was issued, a telephone hearing was held February 3, 2009, with Mr. Fields participating. Human Resources Generalist Lea Peters and Columbus Terminal Manager Kevin Kusner participated for the employer, Heartland Express.

ISSUE:

Did the claimant leave work with good cause attributable to the employer?

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Harold R. Fields was employed by Heartland Express from August 8, 2007, until he resigned November 21, 2008. He last worked as a salaried local driver earning \$800 per week. Mr. Fields' position was eliminated. He resigned rather than take a position as a regional driver. That position paid 43 cents per mile with no guarantee of miles. As a local driver, Mr. Fields was home every evening. This was important because of Mr. Fields' wife's health.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the claimant left work with good cause attributable to the employer. He did.

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.

An individual who resigns because of a substantial change in the conditions of employment leaves work with good cause attributable to the employer. See 871 IAC 24.26(1). In analyzing a case such as this, the administrative law judge may consider only the impact of the change on the employee, not the employer's motivation for making the change. See Dehmel v. Employment Appeal Board, 433 N.W.2d 700 (Iowa 1988).

The evidence in the record establishes that the claimant would lose his guaranteed weekly salary and would be on the road substantially more than in his former position. The administrative law judge concludes that the change imposed by the employer was substantial. Benefits are allowed.

DECISION:

The unemployment insurance decision dated January 14, 2009, reference 01, is reversed. The claimant is entitled to receive unemployment insurance benefits, provided he is otherwise eligible.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw