

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KATHERINE C SELBURG
Claimant

APPEAL NO. 13A-UI-12402-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ROCKWELL COLLINS INC
Employer

OC: 10/06/13
Claimant: Appellant (2)

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The claimant, Katherine Selburg, filed an appeal from a decision dated October 24, 2013, reference 02. The decision disqualified her from receiving unemployment benefits. After due notice was issued a hearing was held by telephone conference call on November 27, 2013. The claimant participated on her own behalf. The employer, Rockwell Collins, did not provide a telephone number where a witness could be contacted and did not participate.

ISSUE:

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

FINDINGS OF FACT:

Katherine Selburg was employed by Rockwell Collins from October 2003 until September 28, 2013 as a full-time project manager. In June 2012 it was agreed between claimant and employer Ms. Selburg could work from her home in Illinois and telecommute.

On August 2, 2013, there was a meeting between the claimant, her manager and a human resources representative. She was informed she could no longer telecommute and would either have to move back to the Cedar Rapids, Iowa, area, or else find another job within the company which would allow her to telecommute from Illinois.

Ms. Selburg sought other job openings within Rockwell Collins until September 27, 2013, the deadline given to her at the meeting. No other telecommuting jobs were available and she resigned.

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 and the employer had agreed she could work from her home in Illinois. This was the status for over a year until the employer changed the terms of the agreement. This is not a case where the claimant still lived within a reasonable commuting distance.

The administrative law judge concludes the claimant quit because of a substantial change in the contract of hire. Under the provisions of the above Administrative Code section, this is a voluntary quit with good cause attributable to the employer and the claimant is qualified for benefit.

DECISION:

The representative's decision of October 24, 2013, reference 02, is reversed. Katherine Selburg is qualified for benefits, provided she is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/pjs