

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JANET E STARKS

Claimant

APPEAL NO. 07A-UI-08425-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

AMERIFIRST HOME IMPROVE

Employer

**OC: 10/08/06 R: 01
Claimant: Appellant (2)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated August 23, 2007, reference 02, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on September 18, 2007. Claimant participated. Employer participated by Sue Fredricks, Executive Director.

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 having considered all of the evidence in the record, finds: Claimant last worked for employer on April 4, 2007. Claimant quit because her job changed. Claimant was hired to perform educational and emotional social work with children. Claimant's job changed gradually to secretarial work. Claimant wrote a resignation letter with one week's notice. Claimant placed the letter on her supervisor's desk. Claimant did not try to retract the resignation when locked out of the building.

REASONING AND CONCLUSIONS OF LAW:

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 of a significant change in the contract of hire. Claimant was hired to perform social work with children. The job slowly changed to a secretarial position. Claimant was dissatisfied with the change in the job responsibility. Since employer initiated and passively allowed the change of responsibilities, this is a quit for cause attributable to employer due to a change in the contract of hire.

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.

DECISION:

The decision of the representative dated August 23, 2007, reference 02, is reversed. Unemployment insurance benefits are allowed, provided claimant is otherwise eligible.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/kjw