

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DIANE B MEEKER
Claimant

APPEAL NO. 09A-UI-08362-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WESTMONT CARE CENTER INC
Employer

OC: 04/26/09
Claimant: Respondent (1)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The employer appealed an unemployment insurance decision dated June 1, 2009, reference 01, that concluded the claimant voluntarily quit employment with good cause attributable to the employer. A telephone hearing was held on June 25, 2009. The parties were properly notified about the hearing. The claimant participated in the hearing. Mike Lanctot participated in the hearing on behalf of the employer with witnesses, Lynn Kenney and Sandy Zearing.

ISSUE:

Did the claimant voluntarily quit employment without good cause attributable to the employer?

FINDINGS OF FACT:

The claimant worked full time, 32 to 40 hours per week, for the employer as a minimum data set (MDS) coordinator from April 1, 2005, to April 24, 2009.

On April 21, 2009, the claimant had a meeting with Wendy Soulek (vice-president of operations), Mike Lanctot (administrator), and some other supervisors. During the meeting, Soulek announced the employer was changing the claimant's job duties. Soulek said the claimant would only be allowed to work 16 hours per week on MDS coordinator work and would have to spend the rest of her hours working as a nurse on the floor. The new position would require some weekend work, which was not required before.

When the claimant objected to the change, Soulek told her that if she did not accept the changes, her position would be advertised and filled by someone else. The claimant did not want to lose her job, so she said she was willing to it on a trial basis.

After doing the job for a few days, the claimant decided she could not accept the substantial change in her job duties and submitted her resignation on April 24, 2009.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant voluntarily quit employment without good cause. The unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer or who are discharged for work-connected misconduct. Iowa Code section 96.5-1 and 96.5-2-a. Under the unemployment insurance rules, a claimant has good cause attributable to the employer to quit employment if the employer substantially changes the contract of hire, including changes in working hours, shifts, remuneration, location of employment, or modification in the type of work. 871 IAC 24.26(1).

The evidence establishes the employer substantially changed the claimant's job duties. The claimant did not accept the change, but instead agreed to try the new position on a "trial basis." She quit after determining the change was unacceptable.

DECISION:

The unemployment insurance decision dated June 1, 2009, reference 01, is affirmed. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/pjs