

**86IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JERI KARGER
Claimant

APPEAL NO. 07A-UI-11286-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

CATFISH BEND CASINO
Employer

OC: 11-04-07 R: 12
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the November 27, 2007, reference 01, decision that denied benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on December 20, 2007. The claimant participated in the hearing. Steve McMorley, Human Resources Director and Toby Cluney, Kitchen Manager, participated in the hearing on behalf of the employer.

ISSUE:

The issue is whether the claimant voluntarily left her employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time cook for Catfish Bend Casino from April 18, 2002 to November 3, 2007. She and her husband have legal custody of their grandson and her husband works 2:00 p.m. to 10:00 p.m. Her hours were 6:00 a.m. to 2:00 p.m. beginning October 7, 2007, so she could pick her grandson up at school. She previously worked 11:00 a.m. to 7:00 p.m. She resigned without giving notice November 3, 2007, because she was upset about being asked to work in the front of the store for part of the day and then move to the back to train another employee later in the day. Her hours and wages remained the same but a few of her duties were different because she was training a new employee.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her employment without good cause attributable to the employer.

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.

In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. 871 IAC 24.25. Leaving because of unlawful, intolerable, or detrimental working conditions would be good cause. 871 IAC 24.26(3),(4). Leaving because of dissatisfaction with the work environment is not good cause. 871 IAC 24.25(1). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6-2. The refusal to accept reasonable changes in job duties constitutes job misconduct and the employer has the right to allocate its personnel in accordance with its needs and resources. Consequently, it stands to reason that if the claimant left because she did not wish to work part of the day in the back and part of the day in the front, without a change in hours or wages, the separation would be a voluntarily leaving for those reasons rather than a voluntarily leaving for good cause attributable to the employer. Under these circumstances the administrative law judge cannot conclude that the changes were substantial or that the claimant's leaving was for good cause attributable to the employer as defined by Iowa law. Therefore, benefits are denied.

DECISION:

The November 27, 2007, reference 01, decision is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/css