

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CHARLES L HARRIS**  
Claimant

**APPEAL NO. 11A-UI-04230-A**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MOSAIC**  
Employer

**OC: 02/27/11**  
**Claimant: Appellant (2)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Charles L. Harris filed a timely appeal from an unemployment insurance decision dated March 25, 2011, reference 01, that disqualified him for benefits. After due notice was issued, a hearing was held in Des Moines, Iowa on May 25, 2011 with Mr. Harris participating. David Williams of the TALX Corporation appeared on behalf of the employer, Mosaic. Habilitation Coordinator Jennifer Wyant and Associate Director Jen Zajicek testified.

**ISSUE:**

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

**FINDINGS OF FACT:**

Charles L. Harris was employed by Mosaic from February 2008 until he resigned March 3, 2011. He worked as a direct support associate. The employer operates group homes. Mr. Harris had been working at a home for higher functioning individuals who primarily needed assistance in making appropriate decisions. On February 26, 2011 a client at the home hit Mr. Harris. Mr. Harris called 911 and reported the incident to the police. He then notified the employer who sent a relief worker so that Mr. Harris could go home.

Mr. Harris was told to report to a meeting with Habilitation Coordinator Jennifer Wyant and Associate Director Jen Zajicek on March 2, 2011. The employer proposed to transfer Mr. Harris from his current worksite to another home at which the clients needed greater personal assistance. The transfer occurred “on the basis of the needs of the client.” Mr. Harris was willing to remain in his current position but was not willing to transfer. He resigned when given the option of transferring or resigning.

**REASONING AND CONCLUSIONS OF LAW:**

The question is whether the evidence establishes that the claimant left work with good cause attributable to the employer. It does.

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.

Mr. Harris maintained throughout the hearing that he did not request a transfer and that he did not refuse to continue working with the client who had struck him. Ms. Zajicek testified that Mr. Harris refused to continue working with the client who had struck him. Ms. Wyant's testimony was equivocal. The language in the findings of fact enclosed in quotation marks is from Ms. Wyant's testimony. The administrative law judge concludes that that testimony corroborates the claimant's testimony that he did not request the transfer.

This leads to the question of whether the transfer being imposed by the employer constituted a substantial change in the conditions of employment. The evidence establishes that the claimant would be working with a very different set of clients at a different location. The administrative law judge concludes that the transfer imposed by the employer constituted a substantial change in the conditions of employment. The administrative law judge notes that his analysis considers only the impact of the change on Mr. Harris, not the employer's rationale for imposing it. The administrative law judge must follow this analysis. See Dehmel v. Employment Appeal Board, 433 N.W.2d 700 (Iowa 1988). Benefits are allowed.

**DECISION:**

The unemployment insurance decision dated March 25, 2011, reference 01, is reversed. The claimant is entitled to receive unemployment insurance benefits, provided he is otherwise eligible.

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Dan Anderson  
Administrative Law Judge

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Decision Dated and Mailed

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