

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

SAVANNAH BOYLE
Claimant

CHILDSERVE COMMUNITY OPTIONS INC
Employer

APPEAL 20A-UI-08709-J1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/19/20
Claimant: APPELLANT (2)

Iowa Code § 96.5(1) – Voluntary Quitting

STATEMENT OF THE CASE:

On July 22, 2020, the claimant filed an appeal from the July 20, 2020, (reference 02) unemployment insurance decision that denied benefits based on voluntary quit. The parties were properly notified about the hearing. A telephone hearing was held on September 3, 2020. Claimant participated. Employer participated through Drew Wilson, Staff Relations Specialist.

ISSUE:

Did claimant quit with good cause attributable to the employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for employer on May 15, 2019. Claimant last worked as a part-time Medical Day Health Assistant in the Ames Iowa location. Claimant was separated from employment on April 3, 2020, when she submitted an email to her employer informing the employer she was resigning. The claimant submitted her resignation due to the fact that her employer was not able to offer her any work. Claimant was working about 10-hours per week. On March 23, 2020 claimant was told not to work that week. On March 29, 2020 claimant was told not to work that week. The employer's Ames site was laying off full-time and Part-time staff. Claimant was considered a per diem staff member and was not going to be given hours to work when the regular staff was being furloughed or laid off. Mr. Wilson testified that the Ames location did not start to resume somewhat normal operations until early August 2020.

REASONING AND CONCLUSIONS OF LAW:

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). The employer has the burden of proving that a claimant's departure from employment was voluntary. *Irving v. Emp't Appeal Bd.*, 883 N.W.2d 179 (Iowa 2016). "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". *Id.* (citing *Cook v. Iowa Dept. of Job Service*, 299 N.W.2d 698, 701 (Iowa 1980)). Claimant did quit when she no

longer had any prospect of her normal hours of work. I find claimant had good cause attributable to her employer and is eligible for unemployment insurance benefits.

Iowa Admin. Code r. 871-24.26(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.

Claimant resigned when her employer stopped providing her work. That was a substantial change in her contract of hire. Claimant had good cause attributable to her employer for quitting.

DECISION:

Regular Unemployment Insurance Benefits Under State Law

The July 20, 2020, (reference 02) unemployment insurance decision is reversed. affirmed. Benefits are payable, provided claimant is otherwise eligible.



James F. Elliott
Administrative Law Judge

September 3, 2020
Decision Dated and Mailed

je/scn