

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DEBORAH J DANIELSON**  
Claimant

**APPEAL NO. 11A-UI-10432-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ONE CALL LOCATORS INC**  
Employer

**OC: 12/12/10**  
**Claimant: Respondent (2-R)**

Section 96.5(1) – Quit

**STATEMENT OF THE CASE:**

The employer, One Call Locators, Inc. (One Call), filed an appeal from a decision dated August 4, 2011, reference 01. The decision allowed benefits to the claimant, Deborah Danielson. After due notice was issued, a hearing was held by telephone conference call on August 31, 2011. The claimant participated on her own behalf. The employer participated by Human Resources Manager Tonya Kruse.

**ISSUE:**

The issue is whether the claimant quit work with good cause attributable to the employer.

**FINDINGS OF FACT:**

Deborah Danielson was employed by One Call beginning in 1998 as a locator. She worked sometimes on a part-time status and sometimes full-time seasonal. In February 2010 the employer unilaterally reduced the rate of pay for all locators as a business decision, and the claimant remained with the reduced wage. In the spring of 2011, the health insurance premiums were increased by the insurance company and employees were notified of the rate increase.

Around that time, due to flooding in the Missouri River valley, the amount of work increased and some employees had quit due to the insurance rate increase. Ms. Danielson's area expanded as a result. She resigned July 17, 2011, when she was going to be taking the "on call" shift from Friday through Tuesday in the Council Bluffs, Iowa, area. This on-call assignment was only for that four-day period, but Ms. Danielson felt uncomfortable because she was unfamiliar with the Council Bluffs, Iowa, area. Most of her locating had been done in rural areas where she felt more comfortable finding the addresses. Manager Robert Blades told her she could call him if she had any problems finding the job location, and she did not ask for a GPS to assist her. Instead, she notified Mr. Blades she was quitting effective immediately because the job had become too much and she "couldn't take it anymore."

Deborah Danielson has received unemployment benefits since filing an additional claim with an effective date of July 17, 2011.

## REASONING AND CONCLUSIONS OF LAW:

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.

There was no change in the contract of hire that prompted the claimant to quit. The wages had been reduced 17 months before and therefore do not constitute a change in the contract of hire in July 2011. The rate increase for the insurance was not a decision the employer had made but was made by the insurance company. The employees were free to decline the insurance with the rate increase.

The precipitating event that caused Ms. Danielson's resignation was being on call in a city with which she was unfamiliar. This was only a four-day assignment, not a permanent change. She had done on-call duty before and this time it was only the fact she would be locating in a city rather than a rural area which made her resign. The employer offered her appropriate help but she refused.

The record establishes the claimant did not have good cause attributable to the employer for quitting, because there was no substantial change in the contract of hire. The claimant is disqualified.

Iowa Code section 96.3-7, as amended in 2008, provides:

### 7. Recovery of overpayment of benefits.

a. If an individual receives benefits for which the individual is subsequently determined to be ineligible, even though the individual acts in good faith and is not otherwise at fault, the benefits shall be recovered. The department in its discretion may recover the overpayment of benefits either by having a sum equal to the overpayment deducted from any future benefits payable to the individual or by having the individual pay to the department a sum equal to the overpayment.

b. (1) If the department determines that an overpayment has been made, the charge for the overpayment against the employer's account shall be removed and the account shall be credited with an amount equal to the overpayment from the unemployment compensation trust fund and this credit shall include both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5. However, provided the benefits were not received as the result of fraud or willful misrepresentation by the individual, benefits shall not be recovered from an individual if the employer did not participate in the initial determination to award benefits pursuant to section 96.6, subsection 2, and an overpayment occurred because of a subsequent reversal on appeal regarding the issue of the individual's separation from employment. The employer shall not be charged with the benefits.

(2) An accounting firm, agent, unemployment insurance accounting firm, or other entity that represents an employer in unemployment claim matters and demonstrates a continuous pattern of failing to participate in the initial determinations to award benefits, as determined and defined by rule by the department, shall be denied permission by the

department to represent any employers in unemployment insurance matters. This subparagraph does not apply to attorneys or counselors admitted to practice in the courts of this state pursuant to section 602.10101.

The claimant has received unemployment benefits to which she is not entitled. The question of whether the claimant must repay these benefits is remanded to the UIS division.

**DECISION:**

The representative's decision of August 4, 2011, reference 01, is reversed. Deborah Danielson is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount, provided she is otherwise eligible. The issue of whether the claimant must repay the unemployment benefits is remanded to UIS division for determination.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

bgh/kjw