

**IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI**

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**CAMBRIDGE TEMPOSITIONS INC  
610 32 AVE SW  
CEDAR RAPIDS IA 52404**

**Appeal Number: 06A-UI-00587-ET  
OC: 11-13-05 R: 03  
Claimant: Appellant (2)**

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from a decision dated December 15, 2005, reference 01, that denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on February 1, 2006. The claimant participated in the hearing with Attorney Cynthia Crossett. Chuck Row, General Manager and Mike Cambridge, Owner, participated in the hearing on behalf of the employer. Claimant's Exhibits 1 through 4 were admitted into evidence.

FINDINGS OF FACT:

Having heard the testimony and having examined the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time résumé writer for Cambridge

Tempositions from November 8, 2000 to November 18, 2005. The résumé-writing department began to lose money and consequently, the employer determined it could no longer continue to employ the claimant in a full-time status. Rather than offer her part-time résumé writing work the employer attempted to create another position for her where she would continue résumé writing but would also work as an account manager. The employer imagined the claimant would effectively split her time between the two positions. The claimant did not like the job created and only wanted to work as a résumé writer in part because she did not want to work with temporary workers. The new position would have required interviews of customers, few outside sales and no direct sales. The employer believed the claimant would do “a great job” because she had great interviewing skills and had sales experience plus excellent résumé writing skills. Two days before the claimant voluntarily left her position she told the employer she was going to work as a résumé writer out of her home. The employer had a non-compete clause but agreed to waive it for résumé writing. The claimant had not worked as an account manager previously and did not wish to start doing so at that time and when she told the employer her decision she was told she would be placed on “on-call” status while she looked for another job and finished remaining projects. The claimant’s employment ended November 18, 2005.

#### REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her employment with 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.

871 IAC 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.

The claimant worked as a full-time résumé writer from November 8, 2000, to November 2005, at which time the employer notified her it could not afford to solely employ her in that position but needed her to accept other duties because the résumé writing was not making enough money. The employer proposed that she work part-time as an account representative, a position the claimant was uncomfortable in because she did not want to sell, coordinate outplacement or work as a contract administrator. Consequently, the administrative law judge must conclude that the changes in the original terms of hire as a résumé writer are substantial. Therefore, benefits are allowed.

DECISION:

The December 15, 2005, reference 01, decision is reversed. The claimant voluntarily left employment with good cause attributable to the employer. Benefits are allowed, provided the claimant is otherwise eligible.

je/pjs