

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**RONALD J MUELLER**  
Claimant

**APPEAL NO. 08A-UI-01882-AT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**TRI CITY ELECTRIC CO OF IOWA**  
Employer

**OC: 11/11/07 R: 04  
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Ronald J. Mueller filed a timely appeal from an unemployment insurance decision dated February 21, 2008, reference 01, that disqualified him for benefits following his separation from employment with Tri-City Electric Company of Iowa. After due notice was issued, a telephone hearing was held March 11, 2008, with Mr. Mueller participating and presenting additional testimony by Dan Hammel. Human Resources Director Sherry Rodriguez participated for the employer.

**ISSUE:**

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

**FINDINGS OF FACT:**

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Ronald J. Mueller was employed as a journeyman electrician by Tri-City Electric Company of Iowa from December 13, 2007, until he resigned January 18, 2008. He was a full-time employee. Mr. Mueller, a member of IBEW Local 704 in Dubuque, was unemployed at the time he took the call to work out of area through Local 145 in Moline, Illinois. The job was posted as full-time paying \$30.00 per hour with 20 hours per week of mandatory overtime. Mr. Mueller understood that mandatory overtime could be cancelled by the employer. He resigned on January 18, 2008, when the company cancelled overtime. Mr. Mueller had commuted weekly from his home in Dubuque to the worksite in the Quad Cities area. He felt it not economical to continue on the job after the cancellation of overtime.

**REASONING AND CONCLUSIONS OF LAW:**

The question is whether the evidence establishes that the claimant left work with good cause attributable to the employer. For the reasons which follow, the administrative law judge concludes that it does not.

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.

The claimant has the burden of proof. See Iowa Code section 96.6-2. An individual may receive unemployment insurance benefits if the individual resigns because of a substantial change in the conditions of employment. See 871 IAC 24.26(1). On the other hand, an individual who resigns because of dissatisfaction with a known rate of pay or because of the commuting distance to a job is not entitled to receive unemployment insurance benefits. See 871 IAC 24.25(13) and (30), respectively.

The fighting issue is whether cancellation of overtime constitutes a substantial change in the conditions of employment. The claimant testified that he knew that overtime could be cancelled. The evidence establishes that he still would receive 40 hours of work per week paying \$30.00 per hour. The evidence establishes that Mr. Mueller knew of the commuting distance when he took the job. Under these circumstances, the administrative law judge concludes that cancellation of overtime did not constitute a substantial change in the conditions of employment. It was something that the claimant could reasonably have anticipated would occur. Benefits must be withheld.

**DECISION:**

The unemployment insurance decision dated February 21, 2008, reference 01, is affirmed. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, 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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