

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MELISSA A BARBER**  
Claimant

**APPEAL NO: 130-UCFE-00030-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**US POSTAL SERVICE**  
Employer

**OC: 04/07/13**  
**Claimant: Appellant (2)**

Section 96.5-1 – Voluntary Quit  
871 IAC 24.25(37) – Resignation  
871 IAC 24.26(1) – Job Change

**STATEMENT OF THE CASE:**

The claimant appealed a department decision dated May 6, 2013, reference 02, that held she voluntarily quit without good cause attributable to her employer on April 6, 2013, and benefits are denied. A telephone hearing was held on September 26, 2013. The claimant participated. The employer did not participate.

**ISSUE:**

Whether the claimant voluntarily quit without good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge having heard the witness testimony and having considered the evidence in the record finds: The claimant was hired on a 360-day contract as a full-time supplemental employee (PSE) beginning March 24, 2012. She last worked on March 18, 2013 and completed the contract period.

Claimant was re-hired by the employer on March 25, 2013 for another 360-day contract period. She had a health issue known to the employer in February and she had advised it about a 15-pound lifting restriction. She worked a 40-hour workweek followed by a 38-hour workweek. The employer notified claimant she would switch from days to night hours and move from working the window to the annex. The employer also let claimant know it was changing her hours as it would not accommodate her 15-pound lifting restriction. Claimant last worked on April 5 and responded with a resignation due to the stress caused by the employer on her job changes.

Claimant received an unrestricted work release from her doctor on April 23.

## 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.

871 IAC 24.25(37) provides:

Voluntary quit without good cause. 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 from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(37) The claimant will be considered to have left employment voluntarily when such claimant gave the employer notice of an intention to resign and the employer accepted such resignation. This rule shall also apply to the claimant who was employed by an educational institution who has declined or refused to accept a new contract or reasonable assurance of work for a successive academic term or year and the offer of work was within the purview of the individual's training and experience.

The administrative law judge concludes the claimant voluntarily quit with good cause attributable to her employer due to job changes effective April 6, 2013.

Claimant established her job and pattern of employment as to work hours during her first 360-day contract period she completed March 18. The employer knew in February about her health issue and made no job change. Claimant was re-hired for the same job on the same contract period term beginning March 25. She worked as she had before for a two-week period.

When the employer notified claimant of job changes that affected what had been an established pattern of employment for more than one-year claimant resigned with good cause.

Since claimant received an unrestricted work release on April 23, 2013 there is no able and available for work issue.

**DECISION:**

The department decision dated May 6, 2013, reference 02, is reversed. The claimant voluntarily quit with good cause due to job changes on April 6, 2013. Benefits are allowed, provided the claimant is otherwise eligible.

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Randy L. Stephenson  
Administrative Law Judge

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Decision Dated and Mailed

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