

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**PATRICIA A TAYLOR**  
Claimant

**APPEAL NO. 07A-UI-02849-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**REGAL MANORS OF ONAWA INC**  
Employer

**OC: 02/18/07 R: 12  
Claimant: Appellant (2)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Patricia A. Taylor (claimant) appealed a representative's March 15, 2007 decision (reference 01) that concluded she was not qualified to receive unemployment insurance benefits, and the account of Regal Manors of Onawa, Inc. (employer) would not be charged because the claimant voluntarily quit her employment for reasons that do not qualify her to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on April 5, 2007. The claimant participated in the hearing. Ron Engoe, the administrator, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Did the claimant voluntarily quit her employment for reasons that qualify her to receive unemployment insurance benefits?

**FINDINGS OF FACT:**

The claimant started working for the employer in January 2005. The employer initially hired the claimant as a full-time night dishwasher. Within the three months, the employer asked the claimant to work as a cook. After the kitchen supervisor walked off the job in September, the employer asked the claimant to take over this position on a temporary basis. In October or November 2006, the employer asked the claimant to work as the kitchen supervisor. The claimant did not have the education the employer required for this job, but the employer gave her a year to complete the necessary classes. The administrator at the time told the claimant that after she completed the classes, she would receive a raise from \$10.00 to \$12.00 an hour.

On February 9, 2007, Engoe became the administrator of the facility. On February 12 and 16, 2007, he talked to the claimant about concerns he had with the kitchen. Based on comments from other people, he did not know if the claimant would be able to complete the classes she was taking. On February 16, the employer told the claimant that he did not know if she perform could her job satisfactorily. The employer talked to the claimant about just working as a cook.

On February 20, the employer talked to the claimant about the former kitchen manager coming back to work. The claimant had already heard rumors that the employer had rehired the former kitchen supervisor. On February 20, the employer did not know what the claimant's job would be because that would be the kitchen supervisor's decision. The claimant understood the former kitchen supervisor was returning to work in a week. The claimant thought about working under the former kitchen supervisor and decided she could not work under him because he did some things that she did not consider sanitary. On February 21 or 22, the claimant resigned her employment. The claimant quit because she did not want to work under the former manager and the employer demoted her.

The former kitchen supervisor did not ultimately return to work for the employer. When the claimant resigned, she understood from the employer the former supervisor was definitely going to return to work for the employer the next week, but he did not. The employer did not contact the claimant and ask her to reconsider.

**REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if an employer has discharged the claimant for reasons constituting work-connected misconduct. Iowa Code § 96.5-1. Since the claimant quit, she has the burden to establish she quit for reasons that qualify her to receive unemployment insurance benefits. Iowa Code § 96.6-2.

The law presumes a claimant voluntarily quits with good cause when she leaves employment because of a substantial change in the employment. 871 IAC 24.26(1). The claimant quit her employment because the employer was going to demote her and planned to hire back the kitchen manager who had walked off the job in September. While the employer may not have been satisfied with the claimant's work performance or progress she made with the classes she was taking, removing the claimant's supervisory authority amounts to a substantial change in the employment. When the claimant quit, she reasonably concluded the former supervisor would start working as the kitchen supervisor the next week. The facts establish the claimant quit her employment for reasons that qualify her to receive unemployment insurance benefits. As of February 18, 2007, the claimant is qualified to receive unemployment insurance benefits.

**DECISION:**

The representative's March 15, 2007 decision (reference 01) is reversed. The claimant voluntarily quit her employment for reasons that qualify her to receive unemployment insurance benefits. As of February 18, 2007, the claimant is qualified to receive unemployment insurance benefits, provided she meets all other eligibility requirements. The employer's account may be charged for benefits paid to the claimant.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/css