

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**LOUIS C JONES**

Claimant

**APPEAL NO: 13A-UI-12307-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**SDH SERVICES WEST LLC**

Employer

**OC: 09/22/13**

**Claimant: Respondent (1)**

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

**STATEMENT OF THE CASE:**

The employer appealed a department decision dated October 24, 2013, reference 02, that held the claimant voluntarily quit employment with good cause attributable to the employer on September 27, 2013, and benefits are allowed. A telephone hearing was held on November 25, 2013. The claimant, and witnesses/former employees, Mary McFarlane, Emanuel Hollins, participated. Paul DeCorso, Area GM, and Operation Managers, Sasha Pira, and Brandon Cook, participated for the employer. Claimant Exhibit A and Employer Exhibit One were received as evidence.

**ISSUE:**

The issue is whether the claimant voluntarily quit with 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 began work for the employer on October 10, 2012 as a full-time general cleaner. The employer issued claimant a constructive counseling notice on August 19, 2013 for a safety issue. He was advised to observe the employer safety policy and proper use of equipment. A future violation could result in employment discipline or termination.

On September 26 the employer area manager issued claimant a removal from position letter effective September 27 that would transition claimant to a custodian position at \$9.25 an hour. He had been a general maintenance worker at \$11 an hour. The employer reasoning for this move was due to claimant safety issues for the period June 2013 – August 2013 while operating the Sump Sucker. Claimant perceived the employer action as a demotion in position and pay.

Claimant took the September 26 letter and stated he would think it over. His next scheduled day was September 29. The employer sent claimant a further letter date October 2. It considered him a voluntary quit for failing to accept the job change and report for work.

**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 24.26(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 administrative law judge concludes that the claimant voluntarily quit with good cause attributable to the employer on September 27, 2013 due to a substantial job change.

Claimant was hired as a general cleaner. He was promoted to a general maintenance job. The employer disciplined claimant with a safety violation warning on August 19 and demoted him September 26 in position and pay that constitutes a substantial job change. Claimant's decision to decline the job demotion and pay cut is a quit with good cause.

**DECISION:**

The department decision dated October 24, 2013, reference 02, is affirmed. The claimant voluntarily quit with good cause on September 27, 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

rls/pjs