

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JAMES A VAN WYHE
Claimant

APPEAL NO. 09A-UI-00653-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

DEL-UXE FEED SERVICE INC
Employer

**Original Claim: 11/02/08
Claimant: Appellant (2)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

James A. Van Wyhe filed a timely appeal from an unemployment insurance decision dated January 9, 2009, reference 01, that disqualified him for benefits. Before a final hearing could be scheduled in the matter, the employer, through its attorney, withdrew its objection to benefits being paid to the claimant. The claimant, through his attorney, restated his assertion that he resigned because of a significant reduction in the hours of work being offered by the employer.

ISSUE:

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

FINDINGS OF FACT:

James A. Van Wyhe voluntarily left employment with Del-uxe Feed Service, Inc. on October 22, 2008, because his hours were reduced between 25 to 35 percent, resulting in a reduction in earnings.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence establishes that the claimant left work with good cause attributable to the employer. It does.

871 IAC 24.26(1) allows benefits to an individual who resigns because of a substantial change in the conditions of employment, including a reduction in hours or hourly wage. The evidence before the administrative law judge establishes that Mr. Van Wyhe left employment because of a significant reduction in hours, which resulted in a significant reduction in earnings. Benefits are allowed.

DECISION:

The unemployment insurance decision dated January 9, 2009, reference 01, is reversed. The claimant is entitled to receive unemployment insurance benefits, provided he is otherwise eligible.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw