

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**RHONDA HOUGLAND**  
Claimant

**APPEAL NO: 11A-UI-04470-ET**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**BLOOMFIELD FOUNDRY INC**  
Employer

**OC: 01-30-11**  
**Claimant: Respondent (1)**

Section 96.5-1 – Voluntary Leaving

**STATEMENT OF THE CASE:**

The employer filed a timely appeal from the March 29, 2011, reference 02, decision that allowed benefits. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on May 2, 2011. The claimant participated in the hearing. Sheila Birchmier, Human Resources; Leroy Arndt, Operations Manager; and Terry Dotson, Supervisor, participated in the hearing on behalf of the employer.

**ISSUE:**

The issue is whether the claimant voluntarily left her employment with good cause attributable to the employer.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time core finisher for Bloomfield Foundry from February 14, 2011 to February 28, 2011. She worked for the employer from 1998 through 2009 as a lead but was laid off due to a lack of work. The employer recalled the claimant February 14, 2011, and asked her to be a core finisher. The claimant agreed to accept the job in part because she would not have the stress of the lead position. After two weeks she was called into the office and told she had other duties, including that of an oven tender, because the employer was forced to combine different positions due to the layoff. The claimant was not given the new job description until February 25, 2011. The employer said it was not provided because the claimant had previously worked there and had worked as a core finisher before she became a lead. All employees now had extra duties and the job duties were combined after the claimant was laid off. The employer said the claimant should have been given this information when she was rehired and apologized that it was not provided earlier. The claimant would not have accepted the position if she was aware of the extra duties. As a lead person, she earned \$11.40 per hour but she was now earning \$10.17 per hour. The claimant told the employer if she was going to have to do two different jobs, she wanted to be paid what she was making when she was laid off. The employer was unable to pay her \$11.40 per hour and consequently the claimant voluntarily quit her job.

## **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her employment with good cause attributable to the employer.

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(23) 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:

(23) The claimant left work because the type of work was misrepresented to such claimant at the time of acceptance of the work assignment.

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. 871 IAC 24.25. Leaving because the work was misrepresented at the time of hire would be good cause. 871 IAC 24.26(23). The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6-2. The claimant did not understand the differences in her previous positions as opposed to her new position. The employer made changes to the job description after the claimant was laid off and she was not aware of all of the duties encompassed in her new position until notified February 25, 2011. As soon as she became aware of the changes she resigned her position because she was not willing to do all that the new job entailed for the lower hourly wage she was being paid. The claimant has demonstrated that her leaving was because the job was misrepresented at the time of hire. Therefore, benefits are allowed.

## **DECISION:**

The March 29, 2011, reference 02, decision is affirmed. The claimant voluntarily quit her employment with good cause attributable to the employer and is qualified to receive unemployment insurance benefits provided she is otherwise eligible.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

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