

a trial period of one year and transfer back to the Council Bluffs area after one year if things did not work out.

At the end of the year, the claimant attempted to transfer back to the Council Bluffs area but was informed that there were no openings available. The claimant agreed to continue to work through August 15, 2005. The employer still did not have any openings in the Council Bluffs area. The claimant spoke to the new district manager, Connie Lieb, about continuing to work in Winterset. Lieb informed the claimant that she had filled the claimant's position with a general manager from another area. As a result, the claimant became unemployed effective August 15, 2005. The claimant was willing to continue to work for the employer but the employer had no openings available for the claimant.

#### REASONING AND CONCLUSIONS OF LAW:

The unemployment insurance law provides for a disqualification for claimants who voluntarily quit employment without good cause attributable to the employer, who are discharged for work-connected misconduct, or who fail to accept suitable work without good cause. Iowa Code §§ 96.5-1, 96.5-2-a, and 96.5-3.

The claimant became unemployed when the employer failed to honor a commitment made by the district manager to allow the claimant to transfer back to the Council Bluffs area after a year if the position in Winterset did not work out for the claimant. Whether the separation from employment is viewed as a voluntary quit due to a substantial alteration in the employment agreement (871 IAC 24.26(1)) or as a discharge based the claimant notifying the employer that she no longer wanted to work in the Winterset store, the separation from employment would not be disqualifying. The claimant left employment for good cause attributable to the employer and is qualified to receive unemployment insurance benefits.

#### DECISION:

The unemployment insurance decision dated September 14, 2005, reference 01, is reversed. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

saw/pjs