

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JENNINE M SEEDE
Claimant

APPEAL NO. 06A-UI-11030-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CRST INC
Employer

OC: 10/15/06 R: 03
Claimant: Respondent (2)

Section 96.5(1) – Voluntary Quit
Section 96.3(7) – Recovery of Overpayments

STATEMENT OF THE CASE:

CRST, Inc. filed an appeal from a representative's decision dated November 6, 2006, reference 01, which held that no disqualification would be imposed regarding Jennine Seede's separation from employment. After due notice was issued, a hearing was held by telephone on December 4, 2006. Ms. Seede participated personally. The employer participated by Jim Barnes, Director of Human Resources, and Scott Randall, VP for Safety/Training. Exhibit One was admitted on the employer's behalf.

ISSUE:

At issue in this matter is whether Ms. Seede was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Seede began working for CRST, Inc. on May 31, 2005. She was employed full time as a safety specialist. The employer had four safety specialists, all cross-trained to perform each other's jobs as back-ups. Ms. Seede was primarily responsible for handling accidents involving the employer's drivers. She would set up folders, investigate tickets, arrange drug testing if necessary, and perform other associated duties. Alisha, another of the safety specialists, worked primarily with driver log books and paperwork associated with driver compliance with log book regulations. When Alisha left the employment, the employer decided to move Ms. Seede into performing her duties. Ms. Seede would have been performing Alisha's duties instead of, not in addition to, her former duties. The employer still intended to hire a safety specialist to fill the vacancy created by Alisha's leaving.

Ms. Seede would not have suffered any loss of pay or work hours. There would have been no change in her work shift. She did not want to perform the duties Alisha had been performing and, therefore, tendered her resignation on October 11, 2006. Ms. Seede indicated that the resignation would be effective October 27. However, the employer released her on October 13, 2006.

Ms. Seede filed a claim for job insurance benefits effective October 15, 2006. She received \$252.00 in job insurance benefits for each of the six weeks ending December 9, 2006.

REASONING AND CONCLUSIONS OF LAW:

Ms. Seede gave notice on October 11 that she was quitting effective October 27, 2006. Where an individual is discharged prior to the effective date of resignation, she is allowed benefits from the last day worked until the effective date of resignation. See 871 IAC 24.25(38). The question then becomes whether Ms. Seede's quit effective October 27, 2006 was for good cause attributable to the employer. An individual who voluntarily quits employment is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1).

Ms. Seede quit her job with CRST, Inc. because of a change in her job duties. The employer was not asking her to perform tasks she had not previously performed. She was trained to act as a back-up to Alisha, as were the other safety specialists. She would have continued to deal with paperwork associated with the employer's business, only a different type of paperwork. Ms. Seede would have retained her pay, work hours, and work shift. The administrative law judge concludes that the change in job duties was not so substantial a deviation from Ms. Seede's prior duties as to constitute good cause attributable to the employer for quitting. For the reasons stated herein, benefits are denied.

Ms. Seede has received benefits since filing her claim. She is allowed benefits from the effective date of her claim, October 15, 2006, through October 28, 2006, as she was discharged prior to the effective date of resignation. She is disqualified from receiving benefits effective October 29, 2006. Based on the decision herein, the benefits paid from October 29 through December 9, 2006, \$1,512.00, now constitute an overpayment and must be repaid. Iowa Code section 96.3(7).

DECISION:

The representative's decision dated November 6, 2006, reference 01, is hereby reversed. Ms. Seede voluntarily quit her employment effective October 27, 2006 for no good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly job insurance benefit amount, provided she satisfies all other conditions of eligibility. Ms. Seede has been overpaid \$1,512.00 in job insurance benefits.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/kjw