

**BEFORE THE
EMPLOYMENT APPEAL BOARD
Lucas State Office Building
Fourth floor
Des Moines, Iowa 50319**

CHRISTINA M FINTEL

Claimant

and

JAI SHRI INC

Employer

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HEARING NUMBER: 21B-UI-09397

**EMPLOYMENT APPEAL BOARD
DECISION**

NOTICE

THIS DECISION BECOMES FINAL unless (1) a **request for a REHEARING** is filed with the Employment Appeal Board within **20 days** of the date of the Board's decision or, (2) a **PETITION TO DISTRICT COURT IS FILED WITHIN 30 days** of the date of the Board's decision.

A **REHEARING REQUEST** shall state the specific grounds and relief sought. If the rehearing request is denied, a petition may be filed in **DISTRICT COURT** within **30 days** of the date of the denial.

SECTION: 96.5-2-A, 96.5-1

DECISION

UNEMPLOYMENT BENEFITS ARE ALLOWED IF OTHERWISE ELIGIBLE

The Employer appealed this case to the Employment Appeal Board. The members of the Employment Appeal Board reviewed the entire record. The Appeal Board finds the administrative law judge's decision is correct. With the following modification, the administrative law judge's Findings of Fact and Reasoning and Conclusions of Law are adopted by the Board as its own. The administrative law judge's decision is **AFFIRMED** with the following **MODIFICATION**:

The Employment Appeal Board would modify the administrative law judge's Reasoning and Conclusions of Law to include the following as supportive legal analysis:

While we agree that one of the reasons for the Claimant's quit was due to the Employer's lack of appropriate COVID safety measures, we do not find that reason as compelling as the Claimant's change in scheduling. The Claimant's hours were reduced from averaging 32 hours weekly to only as-needed. The Court in *Dehmel v. Employment Appeal Board*, 433 N.W.2d 700 (Iowa 1988) held that a reduction in the Claimant's working hours by 25-35% is deemed substantial. Thus, a Claimant's quit as a result of said reduction is considered to be with good cause attributable to the employer regardless if the reduction was due to economic conditions

beyond the employer's control. We find what the Claimant experienced was a substantial change in her contract of hire.

James M. Strohman

Ashley R. Koopmans

Myron R. Linn

AMG/fnv