

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**RUTH W BEYERHELM**  
Claimant

**APPEAL NO: 10A-UI-06454-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**GOODWILL INDUSTRIES OF THE  
HEARTLAND**  
Employer

**OC: 03/14/10  
Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit  
871 IAC 24.26(1) – Job Change

**STATEMENT OF THE CASE:**

The claimant appealed a department decision dated April 19, 2010, reference 01, that held she voluntarily quit employment without good cause attributable to the employer on February 25, 2010, and benefits are denied. A telephone hearing was held on June 17, 2010. The claimant, and Attorney, Steve Greenleaf, participated. Carmen Heck, Regional Program Director, and Heather Chicon, Representative, participated for the employer. Claimant Exhibits 1-5 was received as evidence.

**ISSUE:**

The issue is whether the claimant voluntarily quit with good cause attributable to the employer.

**FINDINGS OF FACT:**

The administrative law judge having considered the evidence in the record, finds: The claimant was hired by the employer as a full-time employment specialist on October 9, 2006, and continued her work in this position throughout the course of her employment. The claimant was on medical leave from December 1, 2009 to her return to work on January 18, 2010. The day before her leave, the claimant learned during an employer meeting that there was going to be a re-organization (or restructuring) that may affect her employment position. The employer planned to eliminate one of the four specialist positions, re-assign one specialist to a rehabilitation counselor position, and promote one specialist to a lead specialist position.

An employer memo was issued on February 22, 2010 to the claimant and the other three employment specialists regarding the re-organization. The memo advised the specialists that a rehabilitation counselor and lead specialist position would be open to them (for application). The memo advised the specialists to apply by March 1, and it provided copies of the job descriptions. The employer had a meeting on February 23 about the re-organization and job positions. The application deadline was extended to March 15.

Employer representative Heck encouraged claimant to apply for the rehabilitation position. Claimant interpreted the advice that she either apply for it or she would be re-assigned to it.

The employer never told the claimant she had to accept the rehab position or she would be terminated. Although both jobs would provide the same pay, the claimant considered the rehab position to be so different that it did not meet her professional expectations. The case load would be limited to assessments and sheltered clients with less out of office work flexibility and case variety.

The claimant located an employer resignation form on the internet and she signed and submitted it to the employer on February 25 with a last day of employment date of March 11. The employer accepted the resignation and permitted the claimant to work her notice period.

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

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(1) 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:

(1) A change in the contract of hire. An employer's willful breach of contract of hire shall not be a disqualifiable issue. This would include any change that would jeopardize the worker's safety, health or morals. The change of contract of hire must be substantial in nature and could involve changes in working hours, shifts, remuneration, location of employment, drastic modification in type of work, etc. Minor changes in a worker's routine on the job would not constitute a change of contract of hire.

The administrative law judge concludes that the claimant voluntarily quit employment without good cause attributable to the employer effective March 11, 2010 due to her resignation.

The claimant resigned in anticipation that she would be re-assigned to a different job position, because one of four specialist positions was going to be eliminated. Since the claimant was unwilling to consider the rehab position, she resigned based on speculation as to what may happen rather than being notified it was her job that was being eliminated and that she was required to accept the new job. In addition, the job duties differences are not so substantial as to constitute a substantial change in the claimant's contract for hire.

**DECISION:**

The department decision dated April 19, 2010, reference 01, is affirmed. The claimant voluntarily quit without good cause attributable to the employer on March 8, 2010. Benefits are denied until the claimant requalifies by working in and being paid wages for insured work equal to ten times her weekly benefit amount, provided the claimant is otherwise eligible.

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Randy L. Stephenson  
Administrative Law Judge

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Decision Dated and Mailed

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