

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LOUANN SCHAUFENBUEL
Claimant

APPEAL NO. 08A-UI-09393-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

FIRST STATE BANK IOWA
Employer

OC: 09/07/08 R: 03
Claimant: Appellant (2)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed from a representative's decision dated October 10, 2008, reference 03, which denied benefits based upon her separation from First State Bank Iowa. After due notice was issued, a hearing was held by telephone on October 29, 2008. Ms. Schaufenbuel participated personally. Participating on her behalf was her attorney, Mr. David Skilton and appearing as witnesses were Lori Ahlf and Leigh Boyle. Claimant's Exhibit One was received into evidence. Although duly notified the employer did not participate.

ISSUE:

The issue in this matter is whether the claimant quit for good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge having heard the testimony and considered all of the evidence in the record, finds: The claimant worked for this employer for approximately twenty-six and one-half years before voluntarily leaving her employment on August 22, 2008. The claimant was employed as a full-time customer service representative/teller supervisor.

The claimant left her employment due to substantial unilateral changes that had been imposed by the bank's new owners. Staffing had been reduced causing the claimant's duties to increase. Ms. Schaufenbuel's hours increased with no increase in pay. The claimant was required at times to work overtime without additional remuneration from the employer. Because of problems associated with the new computer system and lack of training, employees were experiencing extreme difficulty in performing their duties. Although the claimant and other workers complained to management about the working conditions, they did not change and the claimant left her employment on August 22, 2008. The previous Friday the claimant was having difficulty entering a transaction in the company's computer system. Upon requesting help the claimant was yelled at and chastised because of her request.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence in the record establishes that Ms. Schaufenbuel left her employment for good cause attributable to the employer. It does.

The evidence in the record establishes that substantial unilateral changes were imposed by the bank's new owners. Although the claimant complained about the changes and effects that they were having on the claimant, no changes took place and the claimant left employment after being verbally abused and castigated for asking a question related to her employment.

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.

871 IAC 24.26(4) 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:

(4) The claimant left due to intolerable or detrimental working conditions.

For the reasons stated herein the administrative law judge concludes that the claimant voluntarily left work for good cause that was attributable to the employer. Unemployment insurance benefits are allowed, providing the claimant meets all other eligibility requirements of Iowa law.

DECISION:

The representative's decision dated October 10, 2008, reference 03, is reversed. The claimant voluntarily quit work with good cause attributable to the employer. Unemployment insurance benefits are allowed, providing the claimant is otherwise eligible.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

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