

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

VICTORIA L BERRY
Claimant

APPEAL NO: 12A-UI-10273-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

BACHMAN5 LLC
Employer

OC: 12/25/12
Claimant: Appellant (2)

Section 96.5-1 – Voluntary Quit
871 IAC 24.26(1) – Job Change/Work Hour Reduction

STATEMENT OF THE CASE:

The claimant appealed a department decision dated August 17, 2012, reference 01, that held she voluntarily quit employment without good cause attributable to the employer on July 20, 2012, and which denied benefits. A telephone hearing was held on September 27, 2012. The claimant participated. Debra Bachman, owner, participated for the employer. Claimant Exhibit A 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 heard the witness testimony and having considered the evidence in the record, finds: The claimant worked for a prior owner at Simply Fantastic when the employer acquired the business on February 1, 2012. She was hired as full-time manager at \$11 an hour. She let the employer know she needed to work at least 35 hours a week.

Claimant did worked at least 35 hours a week through the pay period ending May 20. Her hours declined in June and July, and for the pay period ending July 15 she worked less than 26 hours a week. The employer shared with claimant the August work schedule that further reduced her work hours. Claimant submitted a note she was quitting when she came to work on July 20 and listed the work hour reduction as a reason for doing so.

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 with good cause attributable to the employer effective July 20, 2012, due to a substantial change in her job position based on reduction of work hours.

Claimant went through an employment re-application process when the employer acquired the business on February 1. The employer agreed to pay claimant \$11 an hour and did not challenge her stipulation to schedule at least 35 hours a week. The employer's decision to substantially reduce the work hours IS a substantial change in the claimant's employment, which constitutes a voluntary quit with good cause.

DECISION:

The department decision dated August 17, 2012, reference 01, is reversed. The claimant voluntarily quit with good cause attributable to the employer on July 20, 2012. Benefits are allowed, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/kjw