

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BRENDA L HAMILTON
Claimant

APPEAL NO: 13A-UI-03253-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

RAINBOW SUPPER CLUB LLC
Employer

OC: 02/10/13
Claimant: Appellant (2)

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

STATEMENT OF THE CASE:

The claimant appealed a department decision dated March 12, 2013, reference 01, that held she voluntarily quit employment with good cause attributable to the employer on February 5, 2013, and benefits are denied. A telephone hearing was held on April 16, 2013. The claimant participated. Jodi Irish, an-Owner, participated for the employer.

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 began part time work for the employer as a waitress/prep cook on April 29, 2010. She later became full time salary at \$400.00 weekly with additional work duties of food ordering and inventory. She worked during the day from around 7:00 a.m. to 3:00 p.m.

The employer made a business decision to eliminate its lunch hour on February 4, 2013. Owner Irish advised claimant of this decision that meant it would not be open for customers from about 11:00 a.m. to 2:00 p.m. The employer proposed claimant could do prep work during the week that would total about 20 hours. Claimant asked for time to consider it.

The next day another employer owner told claimant she could some night waitress work though she had not done so before. Claimant declined further employment because she did not believe she had the same guarantee of full-time work hours.

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 with good cause attributable to the employer on February 5, 2013 due to a substantial change of work hours.

The employer decision to eliminate lunch hour business meant it would reduce claimant's normal full-time work hours. Claimant had not requested a schedule change or reduction in work hours. The employer admitted she had not work night time hours and there was no guarantee it would bring claimant any closer to what had been her full-time day hour schedule.

DECISION:

The department decision dated March 12, 2013, reference 01, is reversed. The claimant voluntarily quit with good cause on February 5, 2013. Benefits are allowed, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/tll