

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

STACIA L CAVES
Claimant

UNIPARTS OLSEN INC
Employer

APPEAL NO. 14A-UI-04223-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 03/30/14
Claimant: Appellant (2)**

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated April 18, 2014, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on May 15, 2014. Claimant participated. Employer participated by Sue Youtcheff, Human Resource Assistant.

ISSUE:

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

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on April 14, 2014. Employer hired claimant to work four ten-hour days. Employer then ordered claimant to work mandatory twelve-hour days for four days a week. Claimant became frustrated with the long work days and complained to the plant manager. No remedial action was taken. The long days affected claimant's home life as she had young children. Employer failed to take prompt remedial action after notice by claimant of the difficulty.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge holds that the evidence has established that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because of a significant change in the contract of hire. The change from ten to twelve-hour days affected claimant's home life due to children. The change is significant as it caused difficulty with child care. Quitting because of a significant change in the contract of hire is good cause attributable to employer for a quit. Benefits allowed.

Iowa Code § 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.

Iowa Admin. Code r. 871-24.26(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.

DECISION:

The decision of the representative dated April 18, 2014, reference 01, is reversed. Unemployment insurance benefits are allowed, provided claimant is otherwise eligible.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/css