

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LORI A SICKLES

Claimant

APPEAL NO. 09A-UI-07391-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SWIFT & COMPANY

Employer

OC: 04/05/09

Claimant: Respondent (1)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Swift & Company filed an appeal from a representative's decision dated May 8, 2009, reference 03, which held that no disqualification would be imposed regarding Lori Sickles' separation from employment. After due notice was issued, a hearing was held by telephone on June 9, 2009. Ms. Sickles participated personally. The employer participated by Aaron Vawter, Human Resources Coordinator.

ISSUE:

At issue in this matter is whether Ms. Sickles was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Sickles began working for Swift on March 6, 2002. Her last day at work was February 12, 2009, at which point she was working full time as assistant production scheduler. She worked the day shift throughout her entire tenure with Swift. Before she went on maternity leave beginning February 12, 2009, Ms. Sickles was advised that her hours would change when she returned.

After the birth of her child, Ms. Sickles was released to return to work on or about April 7, 2009. She contacted her supervisor who advised her that her new hours would be from 2:30 a.m. until 11:00 a.m. Her husband was unable to provide care on a regular basis because his shift at John Deere changed from week to week. Ms. Sickles attempted to find child care for her newborn and five-year-old but could not find anyone willing to assume care of an infant during the hours she would be working. Her supervisor spoke with the employment manager about the possibility of Ms. Sickles having day hours but no changes were offered. As a result, she quit the employment on April 7, 2009.

REASONING AND CONCLUSIONS OF LAW:

An individual who leaves employment voluntarily is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). Ms. Sickles quit because the employer changed her work hours. She worked day hours the entire seven years she was with Swift. The employer unilaterally decided to change her work shift. The change was a substantial one for Ms. Sickles as she did not have child care that would enable her to work from 2:30 a.m. until 11:00 a.m.

The administrative law judge concludes that Ms. Sickles left her employment due to a substantial change in the terms and conditions of her employment as contemplated by 871 IAC 24.26(1). As such, her separation was for good cause attributable to the employer. Accordingly, benefits are allowed.

DECISION:

The representative's decision dated May 8, 2009, reference 03, is hereby affirmed. Ms. Sickles left her employment with Swift for good cause attributable to the employer. Benefits are allowed, provided she is otherwise eligible.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/pjs