

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CARLENE M HOFFMAN
Claimant

APPEAL NO. 15A-UCFE-00002-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

VA CENTRAL IA HEALTH – 05
Employer

OC: 12/14/14
Claimant: Appellant (2)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Carlene Hoffman filed a timely appeal from the December 31, 2014, reference 02, decision that disqualified her for benefits and that relieved the employer of liability for benefits; based on an Agency conclusion that she had voluntarily quit on November 28, 2014 without good cause attributable to the employer. After due notice was issued, a hearing was held on February 2, 2015. Ms. Hoffman participated. The employer representative, Kim Branson, was not available at the telephone number the employer had provided for the hearing and did not participate.

ISSUE:

Whether Ms. Hoffman's voluntary quit was for good cause attributable to the employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Carlene Hoffman was employed by the Veterans Administration hospital in Des Moines from 2005 until November 28, 2014 when she voluntarily quit due to changed conditions in the employment. Ms. Hoffman is a registered nurse and for years performed work for the employer as a full-time registered nurse. In October 2014 Ms. Hoffman's supervisor, Nurse Manager Pamela South, removed Ms. Hoffman from her nursing duties for purported deficient documentation. Ms. Hoffman did not provide Ms. Hoffman with any explanation of the purported documentation deficiencies. Ms. Hoffman and her nursing peers believed there was no deficiency in Ms. Hoffman's documentation and that Ms. South had merely targeted Ms. Hoffman due some interpersonal issues. Ms. Hoffman's charting was consistent throughout the employment and consistent with her peers. Ms. South demoted Ms. Hoffman to unit clerk duties and moved her off of the nursing floor to a lobby area. Ms. Hoffman maintained the same pay.

REASONING AND CONCLUSIONS OF LAW:

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.

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 698, 612 (Iowa 1980) and Peck v. EAB, 492 N.W.2d 438 (Iowa App. 1992). In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer. See 871 IAC 24.25.

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.

"Change in the contract of hire" means a substantial change in the terms or conditions of employment. See Wiese v. Iowa Dept. of Job Service, 389 N.W.2d 676, 679 (Iowa 1986). Generally, a substantial reduction in hours or pay will give an employee good cause for quitting. See Dehmel v. Employment Appeal Board, 433 N.W.2d 700 (Iowa 1988). In analyzing such cases, the Iowa Courts look at the impact on the claimant, rather than the employer's motivation. Id. An employee acquiesces in a change in the conditions of employment if he or she does not resign in a timely manner. See Olson v. Employment Appeal Board, 460 N.W.2d 865 (Iowa Ct. App. 1990).

The evidence in the record is sufficient to establish a substantial change in the conditions of the employment based on the supervisor's removal of Ms. Hoffman, a registered nurse, from her nursing duties and demotion of Ms. Hoffman to unit clerk duties. Ms. Hoffman's voluntary quit was for good cause attributable to the employer. Ms. Hoffman is eligible for benefits, provided she is otherwise eligible. The employer's account may be charged for benefits.

DECISION:

The December 31, 2014, reference 02, decision is reversed. The claimant voluntarily quit the employment for good cause attributable to the employer. The claimant is eligible for benefits, provided she is otherwise eligible. The employer's account may be charged for benefits paid to the claimant.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

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