

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**GREGORY W LASCHEID**  
Claimant

**APPEAL NO. 07A-UI-06866-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**METAL TECH INDUSTRIES INC**  
Employer

**OC: 06/10/07 R: 02**  
**Claimant: Appellant (2)**

Section 96.5(1) – Quit

**STATEMENT OF THE CASE:**

The claimant, Gregory Lascheid, filed an appeal from a decision dated July 5, 2007, reference 01. The decision disqualified him from receiving unemployment benefits. After due notice was issued a hearing was held by telephone conference call on July 30, 2007. The claimant participated on his own behalf. The employer, Metal Tech Industries, Inc. (Metal Tech), participated by President Joe Longobardi and Administrative Manager Shanna .Sperflage

**ISSUE:**

The issue is whether the claimant quit work with good cause attributable to the employer.

**FINDINGS OF FACT:**

Gregory Lascheid was employed by Metal Tech from October 6, 2003 until June 12, 2007, as a full-time inside sales and customer service representative. Part of his job duties included product development and President Joe Longobardi felt he had not satisfactorily performed those duties when one of the customers complained of the quality of some product provided to them.

Eventually there was no financial loss to the employer but Mr. Longobardi decided to remove product development duties from the claimant. To “backfill” the hours he would be missing, the employer moved the claimant from strictly office duties to spending half of his time on the production floor doing anything from operating machines and fork trucks to shipping and receiving. The employer notified the claimant of this change on June 11, 2007, and the next day he submitted his resignation.

**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 claimant's job duties were being changed from 100 percent office work to only 50 percent office work and the remaining one-half of his duties would be production work which would include physical labor and fork truck driving. This is a drastic change in the contract of hire, even if his salary and work hours remained unchanged. Under the provisions of the above Administrative Code section, this is a substantial change and constitutes good cause attributable to the employer for quitting. Benefits are allowed, provided the claimant is otherwise eligible.

**DECISION:**

The representative's decision of July 5, 2007, reference 01, is reversed. Gregory Lascheid is qualified for benefits, provided he is otherwise eligible.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

bgh/pjs