

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MICHAEL W BROKUS
Claimant

APPEAL NO. 12A-UI-05452-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

NORDSTROM DISTRIBUTION MGMT INC
Employer

**OC: 04/24/11
Claimant: Appellant (6)**

871 IAC 26.8(1) – Withdrawal of Appeal

STATEMENT OF THE CASE:

The claimant appealed from a representative's decision dated October 3, 2011, reference 04, that held he voluntarily quit without good cause on September 8, 2011, and benefits are denied. A hearing was scheduled for June 1, 2012. Prior to the hearing, claimant withdrew his appeal.

ISSUE:

The issue is whether claimant's appeal withdrawal should be approved.

FINDINGS OF FACT:

The administrative law judge having considered the evidence in the record, finds that: The claimant's appeal form showed he was appealing the department May 2012 overpayment decision. He confirmed this is correct and withdrew his appeal from the October 3, 2011 decision that was recorded. He admitted he voluntarily quit employment.

REASONING AND CONCLUSIONS OF LAW:

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's request to withdraw his appeal from the department October 3, 2011 decision is approved.

DECISION:

The decision of the representative dated October 3, 2011, reference 04, is affirmed. The claimant withdrew his appeal and the decision he voluntarily quit without good cause attributable to the employer on September 8, 2011 remains in force and effect. Benefits are denied until the claimant requalifies by working in and being paid wages for insured work equal to ten times his weekly benefit amount, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/pjs