

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

TIMOTHY J BLAESS
Claimant

MANPOWER INTERNATIONAL INC
Employer

APPEAL NO. 14A-UI-08996-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 03/09/14
Claimant: Respondent (1)**

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Employer filed an appeal from a decision of a representative dated August 22, 2014, reference 04, which held claimant eligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on October 7, 2014. Claimant participated. Employer participated by Leann Gulrud, Staffing Specialist.

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 July 23, 2014. Claimant worked at a temporary assignment for Swiss Valley. Claimant asked for first shift and voluntary overtime. Claimant was forced to work first and second shift and given mandatory overtime. Claimant could not deal with the long hours and evening and night work. Claimant quit due to the change in work terms.

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 change in the terms of hire. The mandatory overtime combined with the constant switching from days to evening is a significant change in the contract of hire. This is good cause for a quit attributable to employer as claimant would not have taken the job if he had known about the overtime and night work. 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 August 22, 2014, reference 04, is affirmed. Unemployment insurance benefits are allowed, provided claimant is otherwise eligible.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/css