

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JARIN S WELDON
Claimant

APPEAL NO. 13A-UCX-00012-M

**ADMINISTRATIVE LAW JUDGE
DECISION**

**LOCAL MERCHANDISE STORE INC
LOCAL MERCHANDISE TRUE VALUE
STORE**
Employer

**OC: 05/19/13
Claimant: Appellant (2)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated June 21, 2013, reference 02, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on September 9, 2013. Claimant participated. Employer participated by Brian Baumgartner, President. Exhibit A was admitted into evidence.

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 May 15, 2013. Employer hired claimant with knowledge that he would attend school. Employer promised claimant that they would work around the school schedule. Employer cut claimant's hourly wage from \$12.00 per hour to \$11.00 per hour after claimant notified employer of the school schedule. Claimant would have to miss Tuesday and Thursday every week due to the school schedule. Claimant volunteered to work weekends to make up the lost hours. Employer also told claimant that his future hours were to be determined.

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 cut in pay. This is good cause attributable to employer for a quit. It is a significant cut in the rate of pay which is a breach in the contract of hire. While quitting for school and dissatisfaction with not getting promoted is not good cause, this is a non-disqualifying event. Claimant need only prove one reason that is good cause for a quit. Benefits allowed because a cut in pay is good cause for a quit.

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.

DECISION:

The decision of the representative dated June 21, 2013, reference 02, is reversed. Unemployment insurance benefits are allowed, provided claimant is otherwise eligible.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/css