

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

LORA J LYONS
Claimant

COMMERCIAL RESOURCES INC
Employer

APPEAL NO. 14A-UI-09969-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 08/31/14
Claimant: Appellant (1)**

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated September 18, 2014, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on October 14, 2014. Claimant participated. Employer participated by Rachel Hoffman with Tara Koestner.

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 September 3, 2014.

On August 23, 2014, claimant was told that her job would now be filled by a registered nurse as a state audit of employer stated that a registered nurse needed to be on staff. Claimant was distraught because she was being asked to work alongside those employees that she had previously supervised. Although the wages and hours were the same, claimant was asked to assume different duties. When informed on July 23, 2014 that her position would become part of a larger position that needed to be filled by a registered nurse, claimant submitted a letter of resignation on July 24, 2014 stating that her last day would be August 24, 2014.

Employer asked claimant to extend her resignation date until September 5, 2014. Claimant agreed to this. On September 3, 2014 claimant had a discussion with Rachel Hoffman. This discussion frustrated claimant greatly, and she met with Tara Koestner immediately afterward and resigned effective immediately.

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.

Iowa Admin. Code r. 871-24.25(27) and (32) provide:

Voluntary quit without good cause. 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 from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code § 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code § 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(27) The claimant left rather than perform the assigned work as instructed.

(32) The claimant left by refusing a transfer to another location when it was known at the time of hire that it was customary for employees to transfer as required by the job.

The administrative law judge holds that the evidence has failed to establish that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because she was asked to take a different job at the same wages and working the same hours as her previous job. It is understandable that claimant would be frustrated with having to work alongside those individuals seen had previously supervised, but this reallocation of duties does not constitute good cause for a voluntary quit that is attributable to employer.

DECISION:

The decision of the representative dated September 18, 2014, reference 01, is affirmed. Unemployment insurance benefits shall be withheld until claimant has worked in and been paid wages for insured work equal to ten times claimant's weekly benefit amount, provided claimant is otherwise eligible.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/css