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

JANE A KELLEY
Claimant

APPEAL NO. 11A-UI-02802-PT

**ADMINISTRATIVE LAW JUDGE
DECISION**

PAUL E WOHLT
Employer

**OC: 01/16/11
Claimant: Appellant (2)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated February 22, 2011, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on March 30, 2011. Claimant participated. Employer participated by Eleanor Grossman. Claimant's Exhibit 1 and Employer's Exhibit A were received 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 was employed with the employer for six and one-half years ending January 14, 2011 as a caretaker. She voluntarily quit her employment due a change in her contract of hire with regard to the lifting required on the job.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant separated from her employment without good cause attributable to the employer.

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.

Claimant left her employment due to substantial change in the contract of hire. This reason for leaving employment is with good cause attributable to the employer. See 871 IAC 24.26(1).

DECISION:

The February 22, 2011, reference 01, decision is reversed. Benefits are allowed, provided claimant is otherwise eligible.

_____
Ron Pohlman
Administrative Law Judge

_____
Decision Dated and Mailed

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