

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

AUDREY E KRIVACHEK
Claimant

APPEAL NO: 07A-UI-05169-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**MICHAEL LILLY PRIVATE HOME
SERVICES INC**
Employer

**OC: 04/22/07 R: 01
Claimant: Respondent (1)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

The employer filed an appeal from a representative's decision dated May 11, 2007, reference 01, which held the claimant eligible for unemployment insurance benefits. After due notice was issued, a telephone conference hearing was held on June 6, 2007. The claimant participated. The employer participated by Starr Vanwell, general manager.

ISSUE:

The issue is whether the claimant quit for good cause attributable to the employer.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed the evidence in the record, the administrative law judge finds: The claimant worked for this employer as a home health care aide from December 2006 until April 18, 2007 when she voluntarily left her employment. The claimant was employed on a part-time basis and was paid \$8.00 per hour. Her immediate supervisor was Starr Vanwell.

Ms. Krivachek left her employment on April 20, 2007 when informed that her pay was being reduced from \$8.00 per hour to \$6.50 per hour due to the employer's belief that the claimant had been leaving work sites early. The claimant, who did not intentionally violate the rule, believed that the change was a substantial alteration of the original agreement of hire and left work at that time.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes based upon the evidence in the record that the claimant quit for good cause attributable to the employer when the employer substantially reduced the claimant's hourly rate of pay without the agreement of the claimant. The employer had the option of reprimanding or discharging the claimant, but instead chose to alter the original agreement of hire. Based upon the claimant's denial of any wrongdoing, the administrative law

judge concludes that the claimant's leaving was attributable to the employer under non-disqualifying conditions.

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 representative's decision dated May 11, 2007, reference 01 is hereby affirmed. The claimant left employment for reasons that were attributable to the employer. Benefits are allowed, providing that she meets all other eligibility requirements of Iowa law.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

tpn/pjs