

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

HAZEL G HOLM
Claimant

APPEAL NO. 09A-UI-02492-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

EXCUSES INC
Employer

OC: 01-18-09
Claimant: Respondent (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The employer filed a timely appeal from the February 12, 2009, reference 01, decision that allowed benefits. After due notice was issued, a hearing was held on March 11, 2009. The claimant did participate. The employer did participate through Chantalle Long, Owner, and Ryan Lester, Assistant Manager.

ISSUE:

Did the claimant voluntarily quit her employment without good cause attributable to the employer?

FINDINGS OF FACT:

Having reviewed the testimony and all of the evidence in the record, the administrative law judge finds: Claimant was employed as a cook/waitress full time beginning April 16, 2008 through January 16, 2009 when she voluntarily quit. The claimant quit because the employer was going to change her hours of work due to business slow down. The employer had purchased the business from the claimant's son in April 2008 and the claimant had been working for the previous owner for approximately 15 years. On January 4, Ms. Long told the claimant she wanted to talk to her about her hours. The claimant told Ms. Long that she was not going to be able to accept a change in her hours and that she was quitting.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant did voluntarily leave the employment with 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.

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.

The claimant's 15-year employment did not include work on evenings or weekends. The employer was going to change the claimant's hours to reduce them due to slow business. Inasmuch as the claimant would suffer a reduction in income, the change of the original terms of hire is considered substantial. Benefits are allowed.

DECISION:

The February 12, 2009, reference 01, decision is affirmed. The claimant voluntarily left employment with good cause attributable to the employer. Benefits are allowed, provided the claimant is otherwise eligible.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/pjs