

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**GARY W SPURLOCK**  
Claimant

**APPEAL NO. 08A-UI-01173-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MABEUS ENTERPRISES INC**  
Employer

**OC: 12/30/07 R: 12  
Claimant: Appellant (2)**

Section 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated January 28, 2008, reference 02, that concluded he voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on February 18, 2008. The parties were properly notified about the hearing. The claimant participated in the hearing. No one participated in the hearing on behalf of the employer.

**ISSUE:**

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

**FINDINGS OF FACT:**

The claimant worked for the employer as a truck driver from April 1, 2006, to June 1, 2007. When the claimant was hired, he informed that he would be compensated based on the number of miles he drove. He was guaranteed 3,000 miles per week.

As of June 1, 2007, the employer provided the claimant with half the number of miles he was promised. The claimant complained to management about the lack of miles, but the situation did not improve so he quit his employment. The claimant ended up working in his own business, but he quit employment due to the cut in his compensation.

**REASONING AND CONCLUSIONS OF LAW:**

The issue in this case is whether the claimant voluntarily quit 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.

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 quit employment due to a substantial breach in his compensation agreement. He acted reasonably in complaining to management but quit when nothing was done to correct the situation.

**DECISION:**

The unemployment insurance decision dated January 28, 2008, reference 02, is reversed. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/pjs