

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**BARBARA JACKSON**  
Claimant

**APPEAL NO. 08A-UI-08124-BT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**APAC CUSTOMER SERVICES OF IOWA**  
Employer

**OC: 08/10/08 R: 04**  
**Claimant: Respondent (1)**

Iowa Code § 96.5-1 - Voluntary Quit

**STATEMENT OF THE CASE:**

Apac Customer Services of Iowa, LLC (employer) appealed an unemployment insurance decision dated September 3, 2008, reference 01, which held that Barbara Jackson (claimant) was eligible for unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on September 25, 2008. The claimant participated in the hearing. The employer participated through Tara Pilkington, Operations Manager for Verizon; Lisa Urquiza Clapp, Human Resources Manager; and employer representative Tracy Taylor. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

The issue is whether the claimant's separation from employment qualifies her to receive unemployment insurance benefits?

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was employed as a part-time customer service representative from April 23, 2007 through August 15, 2008 when she voluntarily quit. She worked full-time hours through her training but could only work part-time hours for personal reasons. Although she worked different schedules, she had been working Mondays through Thursdays, 9:00 a.m. to 5:30 p.m. since January 21, 2008. The claimant was placed on investigative leave on August 11, 2008. She had dealt with a difficult caller and the employer did not think the claimant handled it appropriately. The claimant had escalated the call to a lead person but the employer did not like her tone and faulted the claimant for not telling the lead person what the caller had said about calling a public service commission. The employer notified the claimant she was going to be transferred to a different program. However, the program paid almost \$2.00 less per hour and ran from 8:00 a.m. to 4:30 p.m. The claimant was told this was her only option but she could not begin her workday at 8:00 a.m. so she voluntarily quit. The employer did not advise the claimant she could possibly work different hours because the claimant never asked about it.

### **REASONING AND CONCLUSIONS OF LAW:**

The issue is whether the claimant's voluntary separation from employment qualifies her to receive unemployment insurance benefits. She is not qualified to receive unemployment insurance benefits if she voluntarily quit without good cause attributable to the employer. Iowa Code § 96.5-1.

The claimant quit her employment due to a change in the contract of hire. The law presumes a claimant has left employment with good cause when she quits because of a change in the contract of hire. 871 IAC 24.26(1). A contract of hire need not be an explicit written contract but can be established by schedule, custom or otherwise. "Change in the contract of hire" means a substantial change in the terms or conditions of employment. See Wiese v. Iowa Dept. of Job Service, 389 N.W.2d 676, 679 (Iowa 1986). Generally, a substantial reduction in hours or pay will give an employee good cause for quitting. See Dehmel v. Employment Appeal Board, 433 N.W.2d 700 (Iowa 1988). In analyzing such cases, the Iowa Courts look at the impact on the claimant, rather than the employer's motivation. Id.

The changes to the claimant's schedule and pay rate are considered to be substantial changes in the claimant's contract of hire. Dehmel v. Employment Appeal Board, 433 N.W.2d 700 (Iowa 1988). When notified of the program changes, the employer told the claimant this was her only option and she was not advised her schedule could be changed back to what it was. It is the claimant's burden to prove that the voluntary quit was for a good cause that would not disqualify her. Iowa Code § 96.6-2. She has satisfied that burden and benefits are allowed.

### **DECISION:**

The unemployment insurance decision dated September 3, 2008, reference 01, is affirmed. The claimant voluntarily quit her employment with good cause attributable to the employer and is qualified to receive unemployment insurance benefits, provided she is otherwise eligible.

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Susan D. Ackerman  
Administrative Law Judge

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Decision Dated and Mailed

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