

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

JAY A COUGHRAN
Claimant

APPEAL NO. 14A-UI-07699-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

QC ANALYTICAL SERVICES LLC
Employer

OC: 07/06/14
Claimant: Respondent (1)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The employer appealed an unemployment insurance decision dated July 25, 2014, reference 01, that concluded the claimant voluntarily quit employment with good cause attributable to the employer. A telephone hearing was held on August 19, 2014. The parties were properly notified about the hearing. The claimant participated in the hearing. Leonard Hoogerwerf participated in the hearing on behalf of the employer. Exhibits A through G were admitted into evidence at the hearing.

ISSUE:

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

FINDINGS OF FACT:

The claimant worked for the employer from August 2010 to July 8, 2014. The claimant started working part time as maintenance/glassware washer, which included performing building maintenance, yard work, and some lab technician work involving preparing specimens and performing laboratory tests. Leonard Hoogerwerf is the president of the company.

In June 2014, the claimant was offered and accepted the position as a field technician/laboratory technician and maintenance worker, with a raise in his pay from \$10 per hour to \$12 per hour. He was informed that the bulk of the lab and fieldwork would be done on Tuesday, Wednesday, and Thursday, but he could pick up additional hours doing maintenance work on Monday and Friday to bring his regular hours up to full time. The claimant understood he would be working his regular schedule from 7:00 a.m. to 3:30 p.m. in the new position.

In July 2014, Hoogerwerf informed the claimant that he had decided to do the maintenance work himself. He told the claimant that he could work late on Tuesday, Wednesday, and Thursday doing lab work to make up for the maintenance hours.

The claimant informed Hoogerwerf that he did not want to do lab and field technician full time, and he would be quitting his employment if Hoogerwerf did not abide by the agreement made in June. Hoogerwerf did not retract his decision to remove the maintenance duties from the

claimant so the claimant quit, but instead just confirmed that the claimant was quitting. The claimant quit because of the change in job duties and work schedule from what he had agreed to in June.

REASONING AND CONCLUSIONS OF LAW:

The unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer or who are discharged for work-connected misconduct. Iowa Code § 96.5-1 and 96.5-2-a.

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.

I conclude that the changes in the claimant's schedule and his work duties, whereby he would no longer be doing maintenance duties and would have to work expanded hours on Tuesday, Wednesday, and Thursday to make up the time were more than minor changes in the routine of the claimant's job and amounted to a substantial change in what the parties agreed to in June. Good cause for leaving employment has been established in this case.

DECISION:

The unemployment insurance decision dated July 25, 2014, reference 01, is affirmed. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/css