

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

CORETTA A MILLER
Claimant

THOMAS L CARDELLA & ASSOCIATES INC
Employer

APPEAL 15A-UI-08839-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 06/21/15
Claimant: Respondent (1)**

Iowa Code § 96.5(1) – Voluntary Leaving
871 IAC 24.26(1) – Voluntary Leaving – Change in Contract of Hire

STATEMENT OF THE CASE:

The employer filed an appeal from the July 27, 2015, (reference 01) unemployment insurance decision that allowed benefits. The parties were properly notified about the hearing. A telephone hearing was held on August 26, 2015. Claimant did participate. Employer participated through (representative) Todd High, Program Manager.

ISSUE:

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

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed part time as a sales agents beginning on April 14, 2014 through June 26, 2015 when she voluntarily quit. The claimant was hired to work part time because she has small children and could not obtain child care after normal business hours. She worked from 9:00 a.m. to 3:00 p.m. Monday through Friday until the employer lost the program she was working under. At that time the employer told her they were going to require her to work full time from 10:30 a.m. until 7:00 p.m. Monday through Friday. The claimant specifically told Mr. High that she could not work those hours because of child care and that the employer knew that. The employer did not change her hours and she did not continue working under the new schedule.

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 § 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.

Iowa Admin. Code r. 871-24.26(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 could not leave her three year old child without child care. The employer knew that during her entire time of employment, she did not work after normal business hours. The employer's unilateral decision to change her from part time to full time and to have her work until 7:00 p.m. is a substantial change in the contract of hire that gives good cause attributable to the employer for the claimant's quitting. Benefits are allowed, provided the claimant is otherwise eligible.

DECISION:

The July 27, 2015 (reference 01) decision is affirmed. The claimant voluntarily left her 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/css