

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DIANE SVAJGL
Claimant

APPEAL NO. 11A-UI-12676-WT

**ADMINISTRATIVE LAW JUDGE
DECISION**

HCM INC
Employer

**OC: 8/14/11
Claimant: Respondent (1)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Employer filed an appeal from a fact-finding decision dated September 16, 2011, reference 01, which held claimant eligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on December 19, 2011. Claimant participated personally. Employer participated by Cindy Sorlien, Administrator. Former Administrator Diane Schaffner testified for the employer.

ISSUE:

The issue in this matter is whether claimant was discharged for misconduct.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant worked for the employer on as Assistant Director of Nursing. Claimant last worked for employer on August 12, 2011. Her normal work hours were from 8:00 to 4:30. The employer is a care center. Claimant was quit on August 12, 2011 by employer because she did not want to work the early shift (6:00 to 2:30). Her job duties were changed from those of an Assistant Director of Nursing to those of a LPN.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge holds that the has established that claimant voluntarily quit for good cause attributable to the employer when claimant terminated the employment relationship because of a change in her terms and conditions of employment.

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.

The claimant quit because her job was changed. She was the Assistant Director of Nursing. She was demoted to LPN. While the claimant had previously held this position, it was undoubtedly a significant change in her job duties as defined by 871 Iowa Administrative Code section 24.26(1).

DECISION:

The decision of the representative dated September 16, 2011, reference 01, is affirmed. Unemployment insurance benefits are allowed, provided claimant is otherwise eligible.

Joseph L. Walsh
Administrative Law Judge

Decision Dated and Mailed

jlw/css