

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ROBERT A MAJERES**  
Claimant

**APPEAL NO: 14A-UI-11463-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**DEAN FOODS NORTH CENTRAL LLC**  
Employer

**OC: 09/21/14**  
**Claimant: Respondent (1)**

Iowa Code § 96.5(1) – Voluntary Quit

**PROCEDURAL STATEMENT OF THE CASE:**

The employer appealed a representative's October 27, 2014 (reference 01) determination that held the claimant qualified to receive benefits and the employer's account subject to charge because the claimant voluntarily quit this employment for reasons that qualify him to receive benefits. The claimant participated at the November 25 hearing. David Moehle, a representative; Luann Jager, the human resource coordinator; and Mark Cramer, the shipping and warehouse manager; appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is qualified to receive benefits.

**ISSUES:**

Did the claimant voluntarily quit this employment for reasons that qualify him to receive benefits, or did the employer discharge him for work-connected misconduct?

Has the claimant been overpaid any benefits?

**FINDINGS OF FACT:**

The claimant started working for the employer in February 2008. The employer hired the claimant to work part time, 32 hours a week, as a laborer recycling milk in the dump department. On September 26, 2014 the employer told the claimant that effective immediately his position was eliminated. As a result of financial changes, the employer decided to create a position that included the claimant's dump room job and a case room job. In the new position, the claimant would work full time instead of part time. The claimant's current job required him to work 6:00 a.m. to 2:30 p.m. Tuesday through Friday and the new job would require him to work 10:00 a.m. to 6:30 p.m. on Monday, Tuesday, Thursday, Friday, and Saturday. In addition to doing work in the dump room, the claimant would also perform case room work. The claimant's current job paid him \$18.84 an hour and the new job would pay \$17.53 an hour.

The employer offered the claimant this new job on September 26, 2014. The claimant was shocked by this announcement and told the employer he needed to think about this offer over the weekend. When the claimant did not call or report to work on Monday or Tuesday, the employer called him. During the September 30 conversation, the claimant informed the employer he had to quit because of health issues. The claimant did not believe he could work full time hours.

The clamant established a claim for benefits during the week of September 21, 2014. He filed claims for the weeks ending October 8 through November 29, 2014. He received his maximum weekly benefit amount of \$331 for each of these weeks. The employer participated at the fact-finding interview.

**REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer, or an employer discharges him for reasons constituting work-connected misconduct. Iowa Code §§ 96.5(1), (2)a. The evidence establishes the claimant quit on September 30, 2014. When a clamant quits, he has the burden to establish he quit for reasons that qualify him to receive benefits. Iowa Code § 96.6(2).

The law presumes a claimant quits with good cause when there is a substantial change in his employment. 871 IAC 24.26(1). The change of hours from part time to full time, the hours he worked, the change in his hourly wage, and the change in his job duties collectively amount to a substantial change in the claimant's employment. The claimant established he quit for reasons that qualify him to receive benefits. As of September 21, 2014 the claimant is qualified to receive benefits.

**DECISION:**

The representative's October 27, 2014 (reference 01) determination is affirmed. The claimant voluntarily quit his employment for reasons that qualify him to receive benefits. As of September 21, 2014 the claimant is qualified to receive benefits, provided he meets all other eligibility requirements. The employer's account is subject to charge.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/can