

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JON C MILLER
Claimant

APPEAL NO: 10A-UI-00643-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

ALTORFER INC
Employer

OC: 12/13/09
Claimant: Respondent (1)

Section 96.5-1 – Voluntary Quit
871 IAC 24.26(1) – Job Change

STATEMENT OF THE CASE:

The employer appealed a department decision dated January 6, 2010, reference 01, that held the claimant voluntarily quit employment with good cause attributable to the employer due to a job change on December 11, 2009, and benefits are allowed. A telephone hearing was held on February 23, 2010. The claimant participated. Earl Harvell, Davenport Store Manager, David Hixon, Construction Service Manager, Ron Stout, Shop/Field Manager, and Eric Driessen, HR Manager, participated for the employer. Employer Exhibit One was received as evidence.

ISSUE:

The issue is whether the claimant voluntarily quit with good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge having considered the evidence in the record, finds: The claimant was hired by the employer as a full-time construction shop mechanic on April 13, 1998. The claimant accepted a move to a field service technician that is a job he held for many years up to December 11, 2009. As a field technician, the claimant was given the use of a company truck to drive to and from his residence to work.

The employer had some issues with the claimant's work performance, and it concluded it was due to his struggles with a lack of technology skills. The employer informed the claimant on December 11 that it was moving him from the field to the shop. The claimant would lose \$.50 per hour pay, and he would have to turn in his company truck. The claimant refused to move to the shop position, and he submitted a resignation that the employer accepted. The claimant did not want to purchase any personal shop tools or acquire reliable transportation (he had an old pick-up) in order to make the move. The claimant also believed he would lose the opportunity for overtime pay.

REASONING AND CONCLUSIONS OF LAW:

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.

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.

The administrative law judge concludes that the claimant voluntarily quit employment with good cause attributable to the employer effective December 11, 2009 due to a substantial change in his job position.

The employer proposed job changes of moving the claimant from the field work at a lower rate of pay with the loss of the use of a company vehicle constitutes a substantial change in the claimant's employment that is a voluntary quit with good cause.

DECISION:

The department decision dated January 6, 2010, reference 01, is affirmed. The claimant voluntarily quit with good cause attributable to the employer on December 11, 2009. Benefits are allowed, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/pjs