

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**NICHOLE MASON**  
Claimant

**APPEAL NO: 07A-UI-03725-ET**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**FAMILY DOLLAR STORES OF IOWA INC**  
Employer

**OC: 03-04-07 R: 02**  
**Claimant: Respondent (1)**

Section 96.5-1 – Voluntary Leaving

**STATEMENT OF THE CASE:**

The employer filed a timely appeal from the April 6, 2007, reference 02, decision that allowed benefits to the claimant. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on April 26, 2007. The claimant participated in the hearing. Amanda Juarez, Store Manager and Stacy Dozier, Assistant Manager, participated in the hearing on behalf of the employer.

**ISSUE:**

The issue is whether the claimant voluntarily left her employment for good cause attributable to the employer.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a part-time cashier for Family Dollar from October 29, 2006 to February 28, 2007. She voluntarily left her position by failing to call or show up for work February 28, March 1 and March 3, 2007. The claimant was hired at a different store and because she complained about only receiving 20 hours per week she was offered a transfer and told if she went to another store she would get 30 to 40 hours per week and would be trained as an assistant manager. She started the training and was working 30 hours per week but then the manager left and the claimant's training stopped and her hours were reduced to an average of 19 per week beginning January 14, 2007, and consequently she decided to leave her position with the company.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her employment with good cause attributable to the employer.

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 claimant was promised more hours and an opportunity to train as an assistant manager when she moved to the other store but the manager who was training her left and her hours were reduced from approximately 30 per week to 19 per week. The change in hours and position constitute a substantial change in the claimant's contract of hire. Therefore, benefits are allowed.

**DECISION:**

The April 6, 2007, reference 02, 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.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

je/pjs