

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KEVIN S HALL

Claimant

APPEAL NO. 11A-UI-10676-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

FRIENDS OF HERMAN CAIN

Employer

OC: 07/10/11

Claimant: Appellant (2)

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The claimant, Kevin Hall, filed an appeal from a decision dated August 3, 2011, reference 01. The decision disqualified him from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on September 8, 2011. The claimant participated on his own behalf and with Jim Zeiler. The employer, Friends of Herman Cain (FHC) was represented by Attorney Sarah Troupis but no testimony was offered.

ISSUE:

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

FINDINGS OF FACT:

Kevin Hall was employed by FHC from June 8 through 30, 2011 as a full-time straw poll coordinator. His job was to assure a good showing in the Iowa straw poll for the candidate, Herman Cane. At the beginning of his employment he was told Mr. Cane would be campaigning in Iowa frequently leading up to the straw poll and that a certain budget had been approved for the campaign.

On June 9, 2011, he was told by Campaign Spokesperson Ellen Carmichael that a certain staff member was no longer involved in the campaign at all in any capacity. This person is openly gay and the candidate's conservative policies do not support homosexuality. The staff, including Mr. Hall, was told to state this person was no longer involved in the campaign if they were ever asked about it.

On June 23, 2011, Mr. Hall learned this person was still involved in the campaign as a consultant through a company he had formed. When questioned about it, Campaign Manager Mark Block acknowledged the situation to be true. Mr. Block also told him the candidate would not be campaigning in Iowa as frequently as promised and that the campaign budget was considerably less than first promised.

The claimant felt he would not be able to achieve the desired objective of his job as straw poll coordinator under these circumstances. In addition, he felt there was a potential for serious

negative impact on the campaign if it became known the gay person was still actively, if indirectly, involved in the campaign, contrary to the candidate's platform. He notified Mr. Block in writing on June 30, 2011, he was quitting.

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 claimant resigned due to a change in the contract of hire. The lack of the promised budget and non-presence of the candidate would have negatively impacted Mr. Hall's ability to provide the satisfactory results he had been hired to achieve in the straw poll.

The presence of the gay person on the campaign was misrepresented to the staff, which caused Mr. Hall and others to inadvertently misrepresent the fact to others. The claimant's credibility, and his future job prospects, would have suffered. It is possible if the situation had been discovered it would have also created a negative impact on the claimant's job duties. He felt it was possible the candidate would lose credibility and the straw poll results would be very poor. This would also have a negative impact on Mr. Hall's future in his career field.

The record establishes the claimant resigned due to a substantial change in the contract of hire. Under the provisions of the above Administrative Code section, this is good cause attributable to the employer for quitting.

DECISION:

The representative's decision of August 3, 2011, reference 01, is reversed. Kevin Hall is qualified for benefits, provided he is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/css