

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

KIM M BERWANGER
Claimant

CASEY'S MARKETING COMPANY
Employer

APPEAL NO. 14A-UI-07513-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 06/29/14
Claimant: Appellant (2)**

Iowa Code § 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated July 16, 2014, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on September 4, 2014. Claimant participated. Employer participated by Sue Biddle, Store Manager. Exhibits A, B and One were admitted into evidence.

ISSUE:

The issue in this matter is whether claimant quit for good cause attributable to employer.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on June 12, 2014. Claimant quit due to her supervisors allegedly yelling at her. Employer's testimony that they did not yell is equally credible as claimant's testimony. Claimant failed to prove any excessive yelling. Claimant also quit because of long hours on Wednesday which did not give her enough sleep before going to work early to make doughnuts on Thursday morning. Employer was short on help. This went on for about four or five months. Claimant complained that she could not handle the long hours with little time for sleep in between shifts. Employer refused to return claimant to normal hours.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge holds that the evidence has established that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because of a significant change in the work hours. Employer required claimant to work longer hours for a prolonged period of time. The long hours were detrimental to claimant because she did not have enough time to sleep in between. This is a significant change in the contract of hire which is good cause attributable to employer. Benefits allowed.

Iowa Code § 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.

Iowa Admin. Code r. 871-24.26(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.

DECISION:

The decision of the representative dated July 16, 2014, reference 01, is reversed. Unemployment insurance benefits are allowed, provided claimant is otherwise eligible.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/css