

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

**STEPHANIE A LAFFOON**  
Claimant

**APPEAL NO: 20A-UI-02295-JE-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**HY-VEE INC**  
Employer

**OC: 02/09/20**  
**Claimant: Respondent (1)**

Section 96.5-1 – Voluntary Leaving

**STATEMENT OF THE CASE:**

The employer filed a timely appeal from the March 6, 2020, reference 01, decision that allowed benefits to the claimant. After due notice was issued, a telephone hearing was held before Administrative Law Judge Julie Elder on April 28, 2020. The claimant participated in the hearing. Valerie Scar, Human Resources Manager and Trenton Kilpatrick, Employer's Representative, participated in the hearing on behalf of the employer. Employer's Exhibit One was admitted into evidence.

**ISSUE:**

The issue is whether the claimant voluntarily left her employment with 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 full-time cake decorator for Hy-Vee from March 6, 1993 to January 31, 2020. She voluntarily left her employment because the employer offered her part-time work when she returned from medical leave.

The claimant was on FMLA for 13 weeks due to back surgeries and then on a leave of absence until January 31, 2020. She asked the employer in August 2019 if she would be returning to the bakery and was told she would not but Cathy Mitchell, Leave of Absence Administrator, told the claimant she would have full-time employment somewhere in the store. The claimant maintained contact with the employer and went back to the store January 31, 2020, with a note from her primary care physician stating she could return to part-time work for two weeks with a 20 pound lifting restriction and then work full-time. The employer did not have any full-time work available and offered the claimant a part-time position in the convenience store. The claimant needs full-time employment for health insurance benefits and consequently she called the employer and notified it she was quitting her job.

## 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 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.

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6-2.

The claimant worked full-time as a cake decorator for over 25 years and was told she would have full-time work when she returned from medical leave. Instead the employer offered her a part-time position in the convenience store because it did not have any full-time jobs available. The claimant was willing to accept any position in the store if it was full-time because she needed to maintain her health insurance. By offering her a part-time job the employer created a change in the claimant's contract of hire. The claimant has met her burden of proving her leaving was for good cause attributable to the employer. Therefore, benefits are allowed.

## DECISION:

The March 6, 2020, reference 01, 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

May 12, 2020  
Decision Dated and Mailed

je/rvs