

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

JACQUELINE B JORDAN
Claimant

APPEAL NO. 14A-UI-11659-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MIDWEST JANITORIAL SERVICE INC
Employer

OC: 10/12/14
Claimant: Appellant (2)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated October 31, 2014, reference 01, that concluded she voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on December 2, 2014. The parties were properly notified about the hearing. The claimant participated in the hearing. Erin Decker participated in the hearing on behalf of the employer.

ISSUE:

Did the claimant voluntarily quit employment without good cause attributable to the employer?

FINDINGS OF FACT:

The claimant worked for the employer as a janitor working at the Duane Arnold Power Plant from August 23, 1999, to September 24, 2014. She worked full time until February 2011, when the claimant requested to work part time. The employer approved the request and the claimant was scheduled to work Monday, Tuesday, and Wednesday, from 3 a.m. to noon.

Every two years, Duane Arnold Power Plant has an outage for about up to nine weeks. During the outage weeks, employees are required to work extra hours doing extra cleaning. The claimant knew that in 2014 there would be an outage starting in September. She was concerned about working extra hours because she is 66 years old and the work involves hard labor.

Several months before the outage, she had voiced her concerns to her supervisor, Ruth Bontrager, and requested that she not have to work extra hours and that she continue to work her scheduled days. Bontrager said she would talk to their manager, Larry McDowell, and he would get back to the claimant.

The claimant ended up calling McDowell and told him her concerns. She told him that if they wanted her to step down so they could hire someone full time she would do that, but McDowell told her that he did not want her to quit because she was a veteran employee. When McDowell asked the claimant what days she worked, she told him her schedule of working Monday,

Tuesday, and Wednesday. McDowell assured the claimant that she could continue to work those three days and he would hire someone part time to fill in during the outage.

Later, Bontrager approached the claimant and said she was going to change the claimant to working Monday, Wednesday, and Friday. The claimant told Bontrager that she could not work Monday, Wednesday, and Friday. The claimant has a special-needs grandson that she cares for on Fridays. She and Bontrager got into an argument about the change in her schedule, but in the end, Bontrager told the claimant that she would leave the claimant's days alone. The claimant believed the matter had been resolved.

There was a team meeting on September 24. The outage was to start on Monday, September 29. During the meeting, her outage schedule was given to her and she saw that despite the assurance she had been given, she was scheduled to work Monday, Wednesday, and Friday. She spoke with McDowell after the meeting and asked what had happened. McDowell said that it was the only way to make the schedule work, which the claimant did not believe. She reminded him that he had told her that she could continue to work her normal days, but he untruthfully denied it and said everyone had to sacrifice.

The claimant felt betrayed by her supervisors in changing her hours. She submitted her written resignation stating she was quitting.

REASONING AND CONCLUSIONS OF LAW:

The unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer. Iowa Code § 96.5-1.

The findings of fact show how I resolved the disputed factual issues in this case by carefully assessing of the credibility of the witnesses and reliability of the evidence and by applying the proper standard and burden of proof. The claimant testified very credibly about what had happened. I believe her testimony that both her supervisors had assured her that the day she worked would not change during the outage and then reneged on that assurance without notice to the claimant. This conduct provided good cause attributable to the employer to quit employment.

DECISION:

The unemployment insurance decision dated October 31, 2014, reference 01, is reversed. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/css