

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

STACY L SHANKS
Claimant

APPEAL NO. 12A-UI-00927-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

LUTHER COLLEGE
Employer

**OC: 12/18/11
Claimant: Respondent (1)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Luther College filed a timely appeal from an unemployment insurance decision dated January 19, 2012, reference 01, that allowed benefits to Stacy L. Shanks. After due notice was issued, a telephone hearing was held February 20, 2012 with Ms. Shanks participating. Human Resources Director Roy Prigge and Operations Manager Diane Narum participated for the employer.

ISSUE:

Did the claimant leave work with good cause attributable to the employer?

FINDINGS OF FACT:

Stacy L. Shanks was employed by Luther College from May 10, 2004 until she resigned December 13, 2010. At the time of her resignation, Ms. Shanks was working from 8:00 a.m. until 4:00 p.m. Operations Manager Diane Narum told Ms. Shanks that her hours would be changed from 11:00 a.m. until 7:00 p.m., hours that Ms. Shanks had worked in the past, because of operational necessities. Ms. Shanks resigned because of family logistic concerns. Ms. Shanks' husband works out of town. Their child attends school in Cresco while the childcare provider, Ms. Shanks' mother, lives in Decorah, some 20 miles away. The shift change would have presented a burden for Ms. Shanks in balancing work and family responsibilities. The employer was aware of Ms. Shanks' situation and had, in fact, moved Ms. Shanks to the 8:00 a.m. shift to accommodate her childcare needs.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence establishes that the claimant left work with good cause attributable to the employer. It does.

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.

An individual may receive unemployment insurance benefits if the individual resigns because of a substantial change in the conditions of employment. See 871 IAC 24.26(1). Under some circumstances, a change in working hours may constitute a substantial change.

In analyzing a case of this sort, the administrative law judge may consider only the impact on the employee. He cannot consider the employer's rationale for the proposed change. See Dehmel v. Employment Appeal Board, 433 N.W.2d 700 (Iowa 1988).

The evidence establishes that the employer was aware that the shift it proposed created a problem for the claimant. The employer did not dispute the claimant's testimony as to the reason for her resignation. The administrative law judge can give no weight to the fact that the claimant had previously worked the shift now proposed by the employer. The evidence establishes that the change in hours represented a substantial, detrimental change to the conditions of employment. Benefits are allowed.

DECISION:

The unemployment insurance decision dated January 19, 2012, reference 01, is affirmed. The claimant is entitled to receive unemployment insurance benefits, provided she is otherwise eligible.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

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