

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

JACKLYN R GILLEN
Claimant

AREA AMBULANCE AUTHORITY
Employer

APPEAL NO. 21A-UI-22130-B2-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 08/22/21
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 September 21, 2021, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on December 28, 2021. Claimant participated and was represented by attorney Ben Roberson and witness Jennifer Watson. Employer participated by attorney Vernon Squires and witness Jennifer Zahrt. Claimant's Exhibits A-F and employer's exhibits 1-5 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 August 7, 2021. Claimant put in her resignation on that date- to be effective two weeks later. Employer asked that claimant not return to work. Claimant did not file for benefits until August 22, 2021.

Until shortly before claimant's resignation, she had been the director of operations for employer. Her title was changed to the compliance billing manager. Her duties were dramatically changed – or so said the vice president. She was removed from many of her oversight activities and no longer involved in the hiring processes. Instead, claimant was asked to focus on billing oriented concerns in an effort to move the company ahead.

Claimant's work as the operations manager was generally lauded by management prior to her going on maternity leave. In January of 2021 she was given a 5% raise and complemented for most of her activities. Claimant was told to work on her objectivity and on taking criticism. There was no indication that claimant's role as a manager over many employees was a cause of concern.

Soon after the review, claimant left on maternity leave. When she returned five weeks later, she was not being treated the same as before she had her child. Her vice president worried that

she might have 'baby brain' and be 'worthless for the next year'. Although claimant was given a positive performance review, after returning from work, employer started to shift her duties. She was not involved in the hiring processes and was given different tasks and little training. It was decided in late May of 2021 that claimant would no longer be the director of operations and would instead work as the compliance billing manager – in spite of claimant having no practical experience in the area. Claimant was to receive the same wages, and better hours as she no longer was to be on call for emergencies.

After claimant was removed from her director of operations position, employer hired an outside consultant to evaluate strengths and weaknesses throughout the organization. Among the many highlighted problems keeping employer from succeeding to its optimum level were a number of claimant's actions – including but not limited to numerous walks claimant would take, and numerous closed-door meetings with the human resources director.

Claimant felt as though she was being attacked by this evaluation. She and the human resources officer noted that their comments were either excluded from the final document produced or were edited in a way so as not to convey what was stated. Claimant put in a resignation the day after the report was issued.

At the time of claimant's resignation, there was ongoing work available for claimant had she not resigned.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

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 she was forced to go into a different position with substantially different duties.

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.

Claimant's previous job duties listed no billing duties while they comprise the major component of claimant's new job. Comparing the two job requirements, there is next to no overlap in

duties. Claimant's new position contained no management role, while her old position held management as the key role to her job. This is a drastic change in the type of work claimant was asked to do. Additionally, claimant was not given the level of training necessary that she could be comfortable in her new position. Claimant's quit is not disqualifying for her receipt of benefits.

DECISION:

The decision of the representative dated September 21, 2021, reference 01, is reversed. Unemployment insurance benefits are allowed provided claimant is otherwise eligible.



Blair A. Bennett
Administrative Law Judge

January 25, 2022
Decision Dated and Mailed

bab/kmj