

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**MINDY L BUNCH**  
Claimant

**CARETECH INC**  
Employer

**APPEAL 15A-UI-06550-JP-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 05/17/15**  
**Claimant: Appellant (1)**

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Iowa Code § 96.5(1) – Voluntary Quitting

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the June 2, 2015, (reference 01) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on July 9, 2015. Claimant participated. Employer participated through Jason Velinsky.

**ISSUE:**

Did claimant voluntarily quit the employment with good cause attributable to employer?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed part time as an in-home caregiver from July 2011, and was separated from employment on April 14, 2015, when she quit.

When claimant started work in 2011, she understood she would be paid \$8.25 per hour, but if she failed to turn her timecard in on time, there would be a \$25.00 deduction from her paycheck per company policy. At the end of the year 2013, beginning of the year 2014, the employer clarified the company policy regarding paychecks. The policy was clarified to stated that if the employee did not turn their timecard in on time, the per hour pay rate for the employee would be reduced to minimum wage for that period. Claimant's employment ended when she refused to accept a new job assignment after her old assignment ended. There was continued work available for claimant.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant voluntarily quit the employment without good cause attributable to the employer. Benefits are denied.

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.

In general, a substantial pay reduction of 25 to 35 percent or a similar reduction of working hours creates good cause attributable to the employer for a resignation. *Dehmel v. Emp't Appeal Bd.*, 433 N.W.2d 700 (Iowa 1988). A notice of an intent to quit had been required by *Cobb v. Emp't Appeal Bd.*, 506 N.W.2d 445, 447-78 (Iowa 1993), *Suluki v. Emp't Appeal Bd.*, 503 N.W.2d 402, 405 (Iowa 1993), and *Swanson v. Emp't Appeal Bd.*, 554 N.W.2d 294, 296 (Iowa Ct. App. 1996).

At hearing claimant said she quit because of the change in the terms of the pay structure. However, claimant continued to work for over a year after that change went into effect without a complaint to the employer, thus acquiescing to the changes. Claimant expressed her intent to quit when she refused to accept a new job assignment after the old assignment ended. Therefore, claimant quit without good cause attributable to the employer. Benefits are denied.

**DECISION:**

The June 2, 2015, (reference 01) unemployment insurance decision is affirmed. The claimant voluntarily quit the employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

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Jeremy Peterson  
Administrative Law Judge

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Decision Dated and Mailed

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