

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**STEPHANIE J BAZAL**  
Claimant

**TMONE LLC**  
Employer

**APPEAL NO. 17A-UI-06651-B2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 06/11/17  
Claimant: Appellant (2)**

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Iowa Code § 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated June 28, 2017, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on July 19, 2017. Claimant participated. Employer participated by Sierra Turner.

**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 April 14, 2017. Claimant was hired to work as a Director of Client Services. Soon after her hire, claimant was informed that she would also be assuming the role of Director of Operations. When claimant was hired, she was told that she didn't have to travel, although said agreement was not memorialized in the written contract.

Claimant stated that she'd sent employer an original notice of her intent to resign in two weeks on February 15, 2017. Employer spoke with claimant about being in the final stages of hiring a person for the Director of Operations position. Claimant even participated in the interview process and approved a person who was not eventually hired.

Claimant continued to travel to South Dakota and back and work 14-16 hour days as the position was not filled. After another month and a half where claimant continued to fill both roles, claimant chose to voluntarily quit her position.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code § 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.

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 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 employer had claimant work an additional position in addition to the position to which she was hired. Claimant was not hired in a position where she was to travel nor work fourteen hours a day, yet she was asked to do both of these tasks for an extended period of time. Although claimant had originally declared she was quitting in February, employer promised to have one of her positions filled by a new hiree, but did not fill that position within the next six weeks.

As employer changed the requirements of the job for which claimant was originally hired, claimant's quit was for good cause attributable to employer.

**DECISION:**

The decision of the representative dated June 28, 2017, reference 01, is reversed. Unemployment insurance benefits are allowed provided claimant is otherwise eligible.

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Blair A. Bennett  
Administrative Law Judge

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Decision Dated and Mailed

bab/scn