

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KATHLEEN J MARX
Claimant

APPEAL NO: 10A-UI-00701-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

KOHL'S DEPARTMENT STORES INC
Employer

OC: 12/06/09
Claimant: Respondent (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

The employer appealed a representative's January 4, 2010 decision (reference 01) that concluded the claimant was qualified to receive benefits, and the employer's account was subject to charge because the claimant voluntarily quit her employment for reasons that qualify her to receive benefits. A telephone hearing was held on February 23, 2010. The claimant participated in the hearing, Pam Junkerman, the store manager, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit her employment for reasons that qualify her to receive benefits?

FINDINGS OF FACT:

The claimant started working for the employer as a full time visual specialist in July 2002. The claimant worked days, Monday through Friday. The claimant enjoyed her job and the employer had no problems with her work.

Junkerman decided that the store was not utilizing all employees' strengths. Junkerman knew the claimant had skills that could greatly benefit the Misses/Junior Department, which needed improvements. The employer decided to change department supervisors. The employer changed the claimant's job to being a supervisor in the Misses/Junior department. Another employee was transferred to work as the visual specialist. As a supervisor, the claimant would work nights and weekends. The claimant's salary would not change. The claimant's job responsibilities would change as the supervisor of the Misses/Junior Department.

After the employer told the claimant about her job change, she submitted her two-week resignation. The claimant resigned because she had been hired to work as a visual specialist, not as the supervisor of the Misses/Junior department. The last day the claimant worked was December 9, 2009.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer. Iowa Code section 96.5-1. When a claimant quits, she has the burden to establish she quit for reasons that qualify her to receive benefits. Iowa Code section 96.6-2.

The law presumes a claimant voluntarily quits employment with good cause when she quits because of a substantial change in her employment. 871 IAC 24.26(1). The claimant established that the employer substantially changed her employment by changing her job as a visual specialist to the supervisor of the Misses/Junior Department. The claimant's job duties and the hours she had worked for the last 7½ years changed substantially. The employer made a business decision to change employees' jobs. The employer has the right to do this, but the change for the claimant constitutes a substantial change. Therefore, the claimant quit her employment for reasons that qualify her to receive benefits. As of December 6, 2009, the claimant is qualified to receive benefits.

DECISION:

The representative's January 4, 2010 decision (reference 01) is affirmed. The claimant voluntarily quit her employment for reasons that qualify her to receive benefits. As of December 6, 2009, the claimant is qualified to receive benefits, provided she meets all other eligibility requirements. The employer/s account is subject to charge.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs