

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BARBARA A MEIER
Claimant

APPEAL NO: 10A-UI-08375-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SYNOVATE INC
Employer

OC: 05/09/10
Claimant: Respondent (2/R)

Section 96.5-1- Voluntary Quit

STATEMENT OF THE CASE:

The employer appealed a representative's June 2, 2010 decision (reference 01) that held the claimant qualified to receive benefits and the employer's account subject to charge because the claimant voluntarily quit her employment for reasons that qualify her to receive benefits. A telephone hearing was held on July 28, 2010. The claimant responded to the hearing notice, but when her phone number was called a recorded message indicated the I-Wireless customer was not receiving calls. The claimant did not contact the Appeals Section on July 28 to participate in the hearing. John Wilson represented the employer and Crystal Hopwood testified on the employer's behalf. Based on the evidence, the arguments of the employer, 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 in November 2008 as a part time telephone surveyor. When the claimant started this job, she received an hourly wage and the employer reimbursed employees who worked at home for their phone and Internet costs.

On April 1, 2010, the employer informed employees that as of June 1, 2010, the employer would no longer reimburse employees for phone and Internet costs. Instead, employees would receive additional 50-cents an hour.

After the employer made this announcement, the claimant submitted her resignation which was effective immediately or on April 1.

The claimant established a claim for benefits as of May 9, 2010. She has filed for and received benefits since May 9, 2010.

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 96.5-2-a. 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 quits with good cause when she leaves because of a substantial change in her contract. 871 IAC 24.26(1). The evidence indicates the claimant quit because the employer decided employees would no longer be reimbursed for their phone and Internet costs. Instead, the employer would pay the employee an additional 50-cents an hour. By quitting effective immediately, the claimant did not know how the change would personally affect her. Depending on the hours she worked and her phone and Internet charges, there may have been a substantial change or very little change. The evidence does not establish that the claimant's employment as of June 1, 2010 would have been substantially changed. Therefore, the claimant did not establish that she quit for reasons that qualify her to receive benefits. As of May 9, 2010, the claimant is not qualified to receive benefits.

The issue of overpayment or whether the claimant is eligible for a waiver of any overpayment will be remanded to the Claims Section to determine.

(Note - even if the evidence established a substantial change, the claimant would not have been eligible until June 1, 2010, the effective date of the change.)

DECISION:

The representative's June 2, 2010 decision (reference 01) is reversed. The claimant voluntarily quit her employment, but the facts do not establish that she is qualified to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of May 9, 2010. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged. The issue of overpayment or whether the claimant is eligible for a waiver of any overpayment is Remanded to the Claims Section to determine.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs