

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RISAE SETILE

Claimant

APPEAL NO. 14A-UI-03581-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WAL-MART STORES INC

Employer

OC: 03/02/14

Claimant: Appellant (2)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated March 25, 2014, reference 01, that concluded she voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on April 24, 2014. The parties were properly notified about the hearing. The claimant participated in the hearing. No one participated in the hearing on behalf of the employer.

ISSUE:

Did the claimant voluntarily quit employment without good cause attributable to the employer?

FINDINGS OF FACT:

The claimant worked for the employer from October 3, 2013, to February 20, 2014. She started working as a cashier at the rate of pay of \$7.65 per hour, but around December 24, 2013, she was moved to a maintenance job with a pay cut to \$7.25.

The claimant complained to management about the pay cut and substantial change in her job duties and asked to return to the cashier job, but was told that the maintenance job was the only position available. The claimant complained repeatedly about not receiving training on the chemicals she was using and the procedures for cleaning since had never worked in a maintenance job before, but she never received any training.

On two occasions in January, the claimant was assigned to clean the men's room. She had put up a sign informing customers that the men's room was closed for cleaning. On each occasion, a male customer ignored the sign and entered to use the bathroom. The claimant felt unsafe, especially the second time because there was no radio available to use. The claimant had asked about the radio afterward, but the employer did not do anything to make sure she had a radio. After multiple complaints about conditions at work with no effective action by the employer, the claimant informed the employer that she was quitting on February 24.

REASONING AND CONCLUSIONS OF LAW:

The unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer. Iowa Code § 96.5-1.

871 IAC 24.26(4) and (1) provide:

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:

(4) The claimant left due to intolerable or detrimental working conditions.

(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 evidence establishes the claimant quit employment due to detrimental working conditions and a substantial change in her pay and job duties. She complained, but no effective action was taken to correct the situation. She quit with good cause attributable to the employer.

DECISION:

The unemployment insurance decision dated March 25, 2014, reference 01, is reversed. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/css