

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CAROL S UHR**  
Claimant

**APPEAL NO. 12A-UI-11468-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**BIG BROTHERS BIG SISTERS OF  
THE QUAD CITIES**  
Employer

**OC: 07/01/12**  
**Claimant: Appellant (2-R)**

Section 96.5-1 – Voluntary Quit  
Section 96.5-1-g – Requalification

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated September 20, 2012, reference 01, that concluded she voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on October 19, 2012. The parties were properly notified about the hearing. The claimant participated in the hearing. Jo Winegar participated in the hearing on behalf of the employer with a witness, Amy Barth. With the consent of the parties, the claimant was permitted to submit copies of paystubs from Accountemps to show she had requalifying wages after her separation from the employer.

**ISSUES:**

Did the claimant voluntarily quit employment without good cause attributable to the employer?  
Has the claimant been paid requalifying wages since her separation from employer?

**FINDINGS OF FACT:**

The claimant was hired to work part time as an accounting clerk 20 hours per week from March 2008 to May 11, 2012. In February 2012, the employer decided to make the claimant's position a full-time job. The claimant was offered this full-time position but she declined. She only wanted to work part time because she also had a painting business and other activities that prevented her from accepting the full-time job.

The employer hired a full-time accountant in April 2012. The employer and the claimant agreed that the claimant would work until the employer finished a major fundraising event, which would have been May 11.

The claimant took a job working with Accountemps at the end of April 2012. As a result, the claimant did not work all the hours available in her job with the employer, but instead worked a few hours a week helping out until the fundraising event took place. She did work until the agreed upon last day of work.

After leaving employment with the employer on May 11, 2012, she worked for Accountemps (Robert Half Corporation, Account # 00278992) from May 12 to July 6, 2012. She received wages totaling \$2,855.68 during that period.

The claimant filed a new claim for unemployment insurance benefits with an effective date of July 1, 2012. Her weekly benefit amount was \$255.00. She did not report that Robert Half Corporation was her last employer when she filed her claim.

#### **REASONING AND CONCLUSIONS OF LAW:**

The issue in this case is whether the claimant is disqualified from receiving benefits because she voluntarily quit employment without good cause attributable to the employer.

Characterizing the claimant's separation is not an easy matter. You could say that the claimant was replaced after the employer decided to change her position to full time and she declined the offer to work additional hours. Or you could say, the employer offered continued employment to the claimant but changed the number of hours she was required to work from 20 to 40 and the claimant chose to leave employment rather than accept the change in hours. Whatever way you look at it, the claimant did not voluntarily quit employment without good cause attributable to the employer. If the separation is considered a quit, it would be a quit with good cause attributable to the employer under 871 IAC 24.26(1) because of the employer's substantial change in the contract of hire based on the doubling of her hours. If the claimant was replaced because the employer needed a full-time accountant, the employer's replacement of her was not for work-connected misconduct as defined by 871 IAC 24.32(1) because the claimant was hired to work part-time and the employer changed her hours. Either way the claimant is eligible for unemployment insurance benefits and the employer's account would be subject to charge because the claimant was not discharged for misconduct and did not voluntarily quit employment without good cause attributable to the employer. See Iowa Code § 96.7-2-a(2). The cause of the claimant's separation on May 11, 2012, was the employer's change in its requirements for the job.

Alternatively—even if the claimant could somehow be deemed to have quit without good cause—Iowa Code § 96.5-1-g provides that a claimant is not subject to a voluntary quit disqualification if subsequent to the leaving, the claimant worked in and was paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

The evidence establishes that the claimant requalified by earning over ten times her weekly benefit amount after separating from employment with the employer. She is not subject to disqualification based on her separation from work with the employer.

There is no evidence that a notice of claim was sent to Robert Half Corporation, Account # 00278992, to allow them an opportunity to protest the claim. This is because the claimant reported her last employer was Big Brothers Big Sisters when she filed her claim. The matter of sending a notice of claim to Robert Half Corporation is remanded to the agency, if it has not already done so.

**DECISION:**

The unemployment insurance decision dated September 20, 2012, reference 01, is reversed. The claimant is qualified to receive unemployment insurance benefits, provided she is otherwise eligible. The employer's account is subject to charge. The matter of sending a notice of claim to Robert Half Corporation (Account # 00278992) is remanded to the agency.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/pjs