

IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI

ELMER W “BILL” VONDRAK  
3250 2<sup>ND</sup> ST  
SIOUX CITY IA 51105-3513

KOHN ENTERPRISES INC  
INDIAN HILLS TRUE VALUE  
2001 RIVERSIDE BLVD  
SIOUX CITY IA 51107

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SIOUX CITY IA 51102

Appeal Number: 06A-UI-01873-AT  
OC: 01-22-06 R: 01  
Claimant: Appellant (2)

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Elmer W. “Bill” Vondrak filed a timely appeal from an unemployment insurance decision dated February 9, 2006, reference 01, which disqualified him for benefits. After due notice was issued, a telephone hearing was held March 6, 2006, with Mr. Vondrak participating and being represented by Dan Hartnet, Attorney at Law. Vice President Andy Kohn and Accountant Ted Ball participated for the employer, Kohn Enterprises, doing business as Indian Hills True Value. This matter is considered on a consolidated record with 06A-01994-AT, 06A-UI-02030-AT, 06A-UI-01876-AT, 06A-UI-01874-AT, and 06A-UI-01875-AT.

#### FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Bill Vondrak was employed by Kohn Enterprises, Inc., doing business as Indian Hills True Value prior to his resignation on January 24, 2006. Mr. Vondrak had employment outside of his work for Indian Hills True Value. At a profanity-laced meeting on January 23, 2006, Vice President Andy Kohn and Accountant Ted Ball announced that flexible scheduling for employees would end immediately. This presented a significant problem for Mr. Vondrak because of his outside employment and because of his family. He elected to resign on January 24, 2006.

#### REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence establishes the claimant left work with good cause attributable to the employer. It does.

Iowa Code section 96.5-1 provides:

An individual shall be disqualified for benefits:

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.

An individual may receive unemployment insurance benefits if the individual resigns because of a substantial change in the conditions of employment. See 871 IAC 24.26 (1). In determining whether a change constitutes a substantial change in the conditions of employment, the administrative law judge cannot consider the employer's rationale for instituting the change. Only the impact on the claimant may be considered. See Dehmel v. Employment Appeal Board, 433 N.W.2d 700 (Iowa 1988).

The evidence in this record establishes to the satisfaction of the administrative law judge that the employer's change in scheduling created a substantial change for Mr. Vondrak because of his outside employment and because of his family responsibilities. Benefits are allowed.

#### DECISION:

The unemployment insurance decision dated February 9, 2006, reference 01, is reversed. The claimant is entitled to receive unemployment insurance benefits, provided he is otherwise eligible.

kkf/tjc