

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**TERESA L LOPEZ**  
Claimant

**EDCAN LLC**  
**IHOP 5410**  
Employer

**APPEAL NO: 10A-UI-03701-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 07/06/09**  
**Claimant: Respondent (6)**

871 IAC 26.8(1) – Withdrawal of Appeal

**STATEMENT OF THE CASE:**

The employer appealed a department decision dated February 22, 2010, reference 01, that held it failed to establish misconduct in the discharge of the claimant on January 13, 2010, and benefits are allowed. A telephone hearing was scheduled for April 26, 2010. Prior to the hearing, Stephen Linnett, Franchise Partner, requested to withdraw the appeal on behalf of the employer.

**ISSUE:**

Whether the appeal should be withdrawn.

**FINDINGS OF FACT:**

The administrative law judge having considered the evidence in the record, finds: Prior to the hearing, the employer representative requested to withdraw the appeal. The request was recorded.

**REASONING AND CONCLUSIONS OF LAW:**

871 IAC 24.26(1) provides:

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:

(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 administrative law judge concludes the employer request to withdraw the appeal is approved.

**DECISION:**

The department decision dated February 22, 2010, reference 01, is affirmed. The employer has withdrawn its appeal, and the department decision that the claimant was not discharged for misconduct on January 13, 2010, remains in force and affect. Benefits are allowed, provided the claimant is otherwise eligible.

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Randy L. Stephenson  
Administrative Law Judge

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Decision Dated and Mailed

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