

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**KEVIN J RUPP**  
Claimant

**APPEAL NO. 13A-UI-03205-MT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**PEPSICO INC FRITO-LAY INC  
ROLLING FRITO-LAY SALES LP**  
Employer

**OC: 02/10/13  
Claimant: Respondent (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Employer filed an appeal from a decision of a representative dated March 6, 2013, reference 01, which held claimant eligible for unemployment insurance benefits. After due notice, a hearing was scheduled for and held on April 15, 2013. Claimant participated. Employer participated by Tom Kuiper, Hearing Representative Talx with witness Gary Reischauer, Sales Senior Zone Supervisor. Exhibit One was admitted into evidence.

**ISSUE:**

The issue in this matter is whether claimant quit for good cause attributable to employer.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on February 9, 2013. Claimant quit due to a change in his commission schedule. Employer reduced claimant's commission from 9% to 6.75%. Employer offered claimant a guarantee of no reduction in pay for 16 weeks. Employer also added accounts to claimant's route so as to boost the income for claimant.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge holds that the evidence has established that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because of a significant change in the rate of pay and work schedule. This reduction in commission and increase in the amount of work required is good cause for a voluntary quit. Benefits allowed due to employer's unilateral change in the contract of hire.

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.

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.

**DECISION:**

The decision of the representative dated March 6, 2013, reference 01, is affirmed. Unemployment insurance benefits are allowed, provided claimant is otherwise eligible.

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Marlon Mormann  
Administrative Law Judge

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Decision Dated and Mailed

mdm/pjs