

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JOHNNA D KIERSTED
Claimant

APPEAL NO. 07A-UI-04861-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

BARMAT INC
Employer

**OC: 04/15/07 R: 01
Claimant: Respondent (1)**

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

The employer filed an appeal from a decision of a representative dated May 7, 2001, reference 01, which held the claimant eligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on May 30, 2007. The claimant participated. The employer participated by Barb Sequenzia, Owner and Peggy Ganzhorn, Manager.

ISSUE:

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

FINDINGS OF FACT:

The administrative law judge having heard the testimony and considered all of the evidence in the record, finds that: The claimant worked for this employer from March 2006 until February 2, 2007, when she voluntarily left employment after being informed of a pay and status reduction. Ms. Kiersted was employed on a full-time time basis and last held the position of maid team captain.

On February 2, 2007, the claimant was informed that she was being reduced to the position of maid and being removed from the position of team captain. In the new position she would receive less pay and would be required to work in a lateral position with individuals that she had previously supervised.

The employer had made a decision to alter the working agreement that had been in effect between the parties because Ms. Kiersted had made an error on time reporting and because a key to a client's residence had been inadvertently lost. Although the employer had become generally dissatisfied with Ms. Kiersted's performance, the claimant had not been specifically warned but only spoken to in a general way regarding expectations. Ms. Kiersted was not aware that her job position was in jeopardy and was unwilling to accept the change because it meant a loss of pay and status.

REASONING AND CONCLUSIONS OF LAW:

For the reasons stated herein the administrative law judge concludes that the claimant voluntarily left employment with good cause for reasons that are attributable to the employer. Ms. Kiersted left her employment after being informed of a unilateral decision on the part of the employer to change the claimant's job status and pay. Prior to the proposed demotion, the claimant had not been adequately warned or counseled by the employer that her performance or adherence to rules was unsatisfactory. The evidence establishes that the change would result in less pay and would require the claimant to work in a lateral position with individuals she had previously supervised. In its testimony the employer agreed that it was an error not to provide the claimant written warnings before making the decision to demote her.

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.

For the reasons stated herein the administrative law judge finds that the claimant left employment with good cause for reasons attributable to the employer under nondisqualifying conditions. Benefits are allowed, if otherwise eligible.

DECISION:

The representative's decision dated May 7, 2007, reference 01, is affirmed. The claimant quit work because of change in the contract under which she was employed under nondisqualifying conditions. Benefits are allowed, provided the claimant meets all other eligibility requirement of Iowa law.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

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