

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CHARLOTTE A HEIMS**  
Claimant

**APPEAL NO. 17A-UI-09200-S1-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**RECOVER HEALTH SERVICES LLC**  
Employer

**OC: 08/13/17**  
**Claimant: Respondent (1)**

Section 96.5-1 - Voluntary Quit  
Section 96.3-7 – Overpayment

**STATEMENT OF THE CASE:**

Recover Health Services (employer) appealed a representative's August 31, 2017, decision (reference 01) that concluded Charlotte Heims (claimant) was eligible to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for September 26, 2017. The claimant did not provide a telephone number for the hearing and, therefore, did not participate. The employer participated by Aaron Koenig, Administrator. The employer offered and Exhibit 1 was received into evidence. Exhibit D-1 was received into evidence.

**ISSUE:**

The issue is whether the claimant was separated from employment for any disqualifying reason.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on November 13, 2014, as a full-time registered nurse/case manager. She provided in-home care for patients and occasionally audited the paperwork of patients to make certain documentation was in order. The claimant requested and was granted thirty days of Family Medical Leave (FMLA).

When she returned from FMLA, the employer told her all her patients had been reassigned to co-workers and would not be returned to her. The employer did not have any work for the claimant to perform with patients. It told her she would be working in the office, auditing patient files full time. On August 14, 2017, the claimant notified the employer of her intent to quit due to the change in her position. The employer had a follow up conversation with the claimant before it accepted the claimant's resignation. Continued work was available had the claimant not resigned.

The claimant filed for unemployment insurance benefits with an effective date of August 13, 2017. The employer provided the name and number of Sarah Satterfield as the person who would participate in the fact-finding interview on August 30, 2017. The fact finder called Ms. Satterfield but she was not available. The fact finder left a voice message with the fact

finder's name, number, and the employer's appeal rights. The employer did not respond to the message.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow the administrative law judge concludes the claimant voluntarily quit work with good cause attributable to the employer.

Iowa Admin. Code r. 871-24.26(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 claimant quit work because the employer changed her job duties from in-home nursing to in-office clerical. The employer substantially changed the claimant's contract for hire and, therefore, the separation was not voluntary. In order to show good cause for leaving employment based on a change in the contract for hire, an employee is required to take the reasonable step of informing the employer about the change that the employee believes is substantial and that she intends to quit employment unless the conditions are corrected. The employer must be allowed a chance to correct those conditions before the employee takes the drastic step of quitting employment. *Cobb v. Employment Appeal Board*, 506 N.W.2d 445 (Iowa 1993). The claimant informed the employer of the substantial change at issue and that she intended to quit. The employer had a follow up conversation with the claimant and accepted the resignation. Benefits are allowed, provided the claimant is otherwise eligible.

**DECISION:**

The representative's August 31, 2017, decision (reference 01) is affirmed. The claimant voluntarily quit with good cause attributable to the employer. The claimant is eligible to receive unemployment insurance benefits.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

bas/rvs