

**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**

**PAULA D STIGLER
1260 STEWART
DES MOINES IA 50316**

**GLADCO ENTERPRISES INC
1340 STATE RD 30
CLINTON PA 15026**

**Appeal Number: 05-UI-01003-SWT
OC: 06/27/04 R: 02
Claimant: Respondent (5)**

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, 4th 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.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The employer appealed an unemployment insurance decision dated January 20, 2005, reference 03, that concluded the claimant was laid off due to lack of work. A telephone hearing was held on February 14, 2005. The parties were properly notified about the hearing. The claimant participated in the hearing. No one participated in the hearing on behalf of the employer.

FINDINGS OF FACT:

The claimant was hired to work full time for the employer as a cashier starting September 1, 2004. In November 2004, the employer began sending the claimant home before the end of her shift so that she was no longer receiving 40 hours of work per week. The claimant complained to her supervisor about the reduction in her hours and informed him that she could not continue in the employment unless the employer provided her with full time work.

During the claimant's final week of work, she was sent home before the end of her shift every day. As a result, the claimant notified her supervisor that she was quitting because she was not getting enough hours.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant voluntarily quit employment without good cause attributable to the employer.

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.

The evidence establishes that the claimant left employment due to a substantial reduction in her work hours. She had been hired to work full time and, therefore, had good cause to voluntarily quit her employment. She complained about the reduction in hours and informed the employer that she could not continue in employment with her hours reduced, but the employer continued to send her home before the end of her shift.

DECISION:

The unemployment insurance decision dated January 20, 2005, reference 03, is modified with no change in the outcome of the case. The claimant voluntarily left employment with good cause attributable to the employer. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

saw/tjc