

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**THOMAS J SHORT**

Claimant

**DUBUQUE RACING ASSOCIATION LTD**

Employer

**APPEAL NO. 06A-UI-10092-MT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 09/10/06 R: 04  
Claimant: Appellant (2)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated October 4, 2006, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on October 31, 2006. Claimant participated and was represented by Emilie Roth Richardson, Attorney at Law. Employer participated by David Esau, Director of Table Games, Jeff Wadkowski, Pit Manager and Tami Schnee, Human Resource Generalist.

**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 August 8, 2006. Claimant was hired as a table games dealer. Claimant from the start of employment only dealt poker. Claimant was ordered to change over to the pit. Claimant had no pit training or experience. Claimant was sent home for insubordination when he expressed dissatisfaction with the pit assignment. Claimant never returned. Claimant quit because of a change in job duties.

**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 change in job duties. Claimant was hired as a poker dealer. Claimant's job title was table games dealer. Claimant from the start of employment only dealt poker notwithstanding the job title. Claimant was changed to the pit without notice, training or expressed reason. This is a significant change in the contract of hire initiated by employer. Benefits allowed.

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 October 4, 2006, reference 01, is reversed. 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