

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ERIK S WHITON**  
Claimant

**APPEAL NO: 10A-UI-07324-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**HIGHWAY FAMRS INC**  
Employer

**OC: 04/04/10**  
**Claimant: Respondent (1)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

The employer appealed a representative's May 17, 2010 decision (reference 01) that held the claimant qualified to receive benefits and the employer's account subject to charge because the claimant voluntarily quit his employment for reasons that qualify him to receive benefits. A telephone hearing was held on July 6, 2010. The claimant participated in the hearing. The employer did not respond to the hearing notice and did not participate in the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Did the claimant voluntarily quit his employment for reasons that qualify him to receive benefits?

**FINDINGS OF FACT:**

In August 2009, the employer hired the claimant to work part time. The claimant worked as a farm helper. After the claimant finished his training, he understood he would be scheduled to work every third weekend or about eight hours a month. When the employer had a job opening at another farm with more hours, the claimant accepted this job. After the claimant completed training at this farm, he worked 25 to 30 hours a week. The claimant started working at the second farm in late 2009 or early 2010.

After the employer discovered diseased pigs, the employer transferred these pigs to the claimant's family farm because it was located away from other farms, had buildings to house the pigs and the claimant lived there to look after the pigs, about an hour a day. After employer discovered the diseased pigs, the claimant was transferred to the first farm again. The claimant then only worked four or five hours a week. The employer did not pay the claimant the work he did at his family's farm or an hour a day.

When the employer could not schedule the claimant any more hours, the claimant gave his two-week notice. The claimant quit because it was not financially feasible for him to drive 23 miles one way to work four or five hours a week after he had been working 25 to 30 hours a week. The claimant's last day of work was in early April 2010.

**REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer. Iowa Code section 96.5-1. The claimant voluntarily quit his employment. When a claimant quits, he has the burden to establish he quit for reasons that qualify him to receive benefits. Iowa Code section 96.6-2.

The law presumes a claimant quits with good cause when there is a substantial change in the employment. 871 IAC 24.26(1). When the claimant asked to be transferred to the second farm and the employer agreed to do this, the claimant accepted a job where he worked 25 to 30 hours a week. Even though the employer may have had compelling business reasons for transferring the claimant to the first farm after discovering diseased pigs, the claimant's hours changed from 25 to 30 hours a week to 4 to 5 hours a week. This constitutes a substantial change in the claimant's employment. As a result, the claimant established good cause for quitting and is eligible to receive benefits as of April 4, 2010.

**DECISION:**

The representative's May 17, 2010 decision (reference 01) is affirmed. The claimant voluntarily quit his employment for reasons that qualify him to receive benefits, provided he meets all other eligibility requirements. The employer's account may be charged for benefits paid to the claimant.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/pjs