

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KSEA K PARKER
Claimant

APPEAL NO: 09A-UI-10329-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

NELLIS MANAGEMENT COMPANY
Employer

OC: 04/26/09
Claimant: Respondent (1)

Section 96.5-1 – Voluntary Quit
871 IAC 24.26(1) – Job Change

STATEMENT OF THE CASE:

The employer appealed a department decision dated July 10, 2009, reference 03, that held the claimant voluntarily quit employment with good cause attributable to the employer due to a job change on June 9, 2009, and benefits are allowed. A hearing was held on August 17, 2009. The claimant participated. The employer did not participate.

ISSUE:

The issue is whether the claimant voluntarily quit with good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge having considered the evidence in the record, finds: The claimant was hired by the employer as a part-time crew member on November 12, 2008. The claimant averaged anywhere from 16 to 30 hours a week until she was disciplined on April 3, 2009 for missing a day of work. The employer cut her hours to three per work-week, and the final straw was a change of work shift on June 9 that moved the claimant to quit employment.

The employer failed to appear for the hearing.

REASONING AND CONCLUSIONS OF LAW:

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 administrative law judge concludes that the claimant voluntarily quit employment with good cause attributable to the employer effective June 9, 2009 due to a substantial change in her shift and hours scheduled to work.

The employer used job changes of hours and shift time that job constitutes a substantial change in the claimant's employment that constitutes a voluntary quit with good cause.

DECISION:

The department decision dated July 10, 2009, reference 03, is affirmed. The claimant voluntarily quit with good cause attributable to the employer on June 9, 2009. Benefits are allowed, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/pjs