

**IN THE IOWA ADMINISTRATIVE HEARINGS DIVISION  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**JUAN C RODRIGUEZ**  
Claimant

**PACKERS SANITATION SERVICES INC**  
Employer

**APPEAL NO. 25A-UI-02087-JT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 02/16/25**  
**Claimant: Appellant (1)**

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Iowa Code Section 96.5(1) – Voluntary Quit

**STATEMENT OF THE CASE:**

On March 13, 2025, Juan Rodriguez (claimant) filed a timely appeal from the March 11, 2025 (reference 01) decision that disqualified him for unemployment insurance benefits and that held the employer's account would not be charged for benefits, based on the IWD deputy's conclusion Mr. Rodriguez voluntarily quit on December 22, 2024 without good cause attributable to the employer. Mr. Rodriguez requested an in-person hearing. After due notice was issued, a hearing was held on April 3, 2025 at the Sioux City IowaWORKS Center. Mr. Rodriguez participated. The employer did not appear for or otherwise participate in the hearing. Spanish-English interpreter Edward (#20761) from CTS Language Link assisted with the hearing. Exhibits A and B were received into evidence.

**ISSUE:**

Whether the claimant voluntarily quit without good cause attributable to the employer.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds:

Juan Rodriguez (claimant) was employed by Packers Sanitation Services, Inc. (PSSI) from August 2023 until December 22, 2024, when he voluntarily quit the employment. At the start of the employment until March or April 2024, Mr. Rodriguez was a full-time, salaried supervisor. The salary was the equivalent of \$28.00 an hour. Mr. Rodriguez performed his work duties at a Tyson plant in Storm Lake. Mr. Rodriguez's shift hours were 11:00 p.m. to 6:00 or 6:30 a.m. Mr. Rodriguez had just one Sunday off during every two-week period and otherwise worked seven days a week.

In March or April 2024, Mr. Rodriguez's manager told Mr. Rodriguez that the employer thought there were too many salaried supervisors and that the employer was making Mr. Rodriguez a, non-salaried hourly employee and changing his job title to trainer. The employer set Mr. Rodriguez's hourly wage at \$28.00. The manager told Mr. Rodriguez that once the employer had another supervisor opening, the employer would return Mr. Rodriguez to a full-time salaried supervisor position. Mr. Rodriguez acquiesced in the changed conditions of the employment.

However, Mr. Rodriguez found that his work hours reduced to six to seven hours per shift. Mr. Rodriguez's work duties did not change with the transition from salaried supervisor to hourly trainer.

In September or October 2024, the employer hired a new supervisor without discussing the supervisor opening with Mr. Rodriguez. When Mr. Rodriguez raised concern about the employer not offering him the supervisor position, and talked about leaving the employment, the manager offered to raise Mr. Rodriguez's hourly wage to \$31.00. Mr. Rodriguez elected to stay in the employment. The employer paid the \$31.00 hourly wage for one pay period and then reduced the wage to \$30.00 an hour.

Mr. Rodriguez again acquiesced on the changed conditions of the employment and continued to work until December 22, 2024, at which time he voluntarily quit the employment due to dissatisfaction with not being returned to the salaried supervisor position. At the time Mr. Rodriguez left the employment, the employer continued to have the full-time trainer work available at the \$30.00 hourly wage. Mr. Rodriguez had not accepted other employment prior to leaving the PSSI employment.

### **REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.5(1) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

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.

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See *Local Lodge #1426 v. Wilson Trailer*, 289 N.W.2d 698, 612 (Iowa 1980) and *Peck v. EAB*, 492 N.W.2d 438 (Iowa App. 1992). In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer. See 871 IAC 24.18.

Iowa Admin. Code r. 871-24.19(1) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. In addition to the reasons established in Iowa Code section 96.5(1), the following are reasons for a claimant leaving employment with good cause attributable to the employer:

24.19(1) An employer's willful breach of contract of hire is not 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 may involve changes in working hours, shifts, remuneration, location of employment, or drastic modification in type of work. Minor changes in a worker's routine on the job would not constitute a change of contract of hire.

"Change in the contract of hire" means a substantial change in the terms or conditions of employment. See *Wiese v. Iowa Dept. of Job Service*, 389 N.W.2d 676, 679 (Iowa 1986). Generally, a substantial reduction in hours or pay will give an employee good cause for quitting.

See *Dehmel v. Employment Appeal Board*, 433 N.W.2d 700 (Iowa 1988). In analyzing such cases, the Iowa Courts look at the impact on the claimant, rather than the employer's motivation. *Id.* An employee acquiesces in a change in the conditions of employment if he or she does not resign in a timely manner. See *Olson v. Employment Appeal Board*, 460 N.W.2d 865 (Iowa Ct. App. 1990).

The evidence in the record establishes a December 22, 2024 voluntary quit without good cause attributable to the employer. Mr. Rodriguez's quit was prompted by changes in the conditions of the employment. However, the substantial changes occurred in spring 2024. Mr. Rodriguez's decision to remain in the employment for months after the substantial changes amounted to acquiescence in the substantial changes. Mr. Rodriguez effectively acquiesced in the later changes, which included being passed over for the new supervisor position and reduction of the hourly wage from the promised \$31.00 to \$30.00 an hour. These later changes occurred in October 2022, but Mr. Rodriguez elected to remain in the employment for another two months.

The claimant is disqualified for benefits until the claimant has worked in and been paid wages for insured work equal to 10 times the claimant's weekly benefit amount. The claimant must meet all other eligibility requirements. The employer's account shall not be charged for benefits. The claimant is eligible for benefits, provided the claimant is otherwise eligible. The employer's account may be charged for benefits.

**DECISION:**

The March 11, 2025 (reference 01) decision is AFFIRMED. The claimant voluntarily quit on December 22, 2024 without good cause attributable to the employer. The claimant is disqualified for benefits until the claimant has worked in and been paid wages for insured work equal to 10 times the claimant's weekly benefit amount. The claimant must meet all other eligibility requirements. The employer's account shall not be charged.



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James E. Timberland  
Administrative Law Judge

April 11, 2025  
Decision Dated and Mailed

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**APPEAL RIGHTS.** If you disagree with the decision, you or any interested party may:

1. Appeal to the Employment Appeal Board within fifteen (15) days of the date under the judge's signature by submitting a written appeal via mail, fax, or online to:

**Employment Appeal Board  
6200 Park Ave Suite 100  
Des Moines, Iowa 50321  
Fax: (515)281-7191  
Online: eab.iowa.gov**

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.

**AN APPEAL TO THE BOARD SHALL 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.

An Employment Appeal Board decision is final agency action. If a party disagrees with the Employment Appeal Board decision, they may then file a petition for judicial review in district court.

2. If no one files an appeal of the judge's decision with the Employment Appeal Board within fifteen (15) days, the decision becomes final agency action, and you have the option to file a petition for judicial review in District Court within thirty (30) days after the decision becomes final. Additional information on how to file a petition can be found at Iowa Code §17A.19, which is online at <https://www.legis.iowa.gov/docs/code/17A.19.pdf>.

**Note to Parties:** YOU MAY REPRESENT yourself in the appeal or 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.

**Note to Claimant:** It is important that you file your weekly claim as directed, while this appeal is pending, to protect your continuing right to benefits.

**SERVICE INFORMATION:**

A true and correct copy of this decision was mailed to each of the parties listed.

**DERECHOS DE APELACIÓN.** Si no está de acuerdo con la decisión, usted o cualquier parte interesada puede:

1. Apelar a la Junta de Apelaciones de Empleo dentro de los quince (15) días de la fecha bajo la firma del juez presentando una apelación por escrito por correo, fax o en línea a:

**Employment Appeal Board  
6200 Park Ave Suite 100  
Des Moines, Iowa 50321  
Fax: (515)281-7191  
En línea: eab.iowa.gov**

El período de apelación se extenderá hasta el siguiente día hábil si el último día para apelar cae en fin de semana o día feriado legal.

**UNA APELACIÓN A LA JUNTA DEBE ESTABLECER CLARAMENTE:**

- 1) El nombre, dirección y número de seguro social del reclamante.
- 2) Una referencia a la decisión de la que se toma la apelación.
- 3) Que se interponga recurso de apelación contra tal decisión y se firme dicho recurso.
- 4) Los fundamentos en que se funda dicho recurso.

Una decisión de la Junta de Apelaciones de Empleo es una acción final de la agencia. Si una de las partes no está de acuerdo con la decisión de la Junta de Apelación de Empleo, puede presentar una petición de revisión judicial en el tribunal de distrito.

2. Si nadie presenta una apelación de la decisión del juez ante la Junta de Apelaciones Laborales dentro de los quince (15) días, la decisión se convierte en acción final de la agencia y usted tiene la opción de presentar una petición de revisión judicial en el Tribunal de Distrito dentro de los treinta (30) días después de que la decisión adquiriera firmeza. Puede encontrar información adicional sobre cómo presentar una petición en el Código de Iowa §17A.19, que está en línea en <https://www.legis.iowa.gov/docs/code/17A.19.pdf>.

**Nota para las partes:** USTED PUEDE REPRESENTARSE en la apelación u obtener un abogado u otra parte interesada para que lo haga, siempre que no haya gastos para Workforce Development. Si desea ser representado por un abogado, puede obtener los servicios de un abogado privado o uno cuyos servicios se paguen con fondos públicos.

**Nota para el reclamante:** es importante que presente su reclamo semanal según las instrucciones, mientras esta apelación está pendiente, para proteger su derecho continuo a los beneficios.

**SERVICIO DE INFORMACIÓN:**

Se envió por correo una copia fiel y correcta de esta decisión a cada una de las partes enumeradas.