

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TRACY E HILL
Claimant

APPEAL NO. 07A-UI-08483-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

IPC INC
Employer

OC: 07/29/07 R: 04
Claimant: Appellant (1)

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The claimant, Tracy Hill, filed an appeal from a decision dated August 27, 2007, reference 01. The decision disqualified her from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on September 19, 2007. The claimant participated on her own behalf and was represented by Attorney Todd Chelf. The employer, IPC, Inc., participated by Human Resources Manager Jackie Winters.

ISSUE:

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

FINDINGS OF FACT:

Tracy Hill was employed by IPC, Inc., from October 30, 2003 until July 27, 2007, as a full-time administrative assistant. On July 5, 2007, Human Resources Manager Jackie Winters and Lawrence Aldridge met with the claimant about her job duties. The claimant was currently not doing as many of the administrative assistant duties as others in her position were doing in the employer's other two locations. The attendance monitoring and one or two other duties were being done by another clerical employee who had just been promoted.

The employer discussed with the claimant that she would now be expected to take on the same duties as others in her position were currently doing, and she would receive a \$1.00 per hour raise. She asked for time to think about it and it was granted. The next day she told Ms. Winters she was not going to take the position, and the employer advised her that failure to do so would mean she was relinquishing her job, as the administrative assistant because these were the duties required of that position. She acknowledged she knew that and confirmed this in a meeting with Mr. Aldridge. The employer advised her that there was only "one position to fill" and her refusal to do the duties of the position meant a replacement would be hired.

On July 16, 2007, she asked Mr. Aldridge when her last day would be and they agreed on July 27, 2007, just prior to the replacement being hired.

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 24.25(27) provides:

Voluntary quit without good cause. 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 from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(27) The claimant left rather than perform the assigned work as instructed.

The claimant was not discharged, merely told she was being given a raise and the rest of the regular duties of an administrative assistant would now become her responsibility. This does not constitute a substantial change in the contract of hire but a slight modification of job duties and more money, neither of which is a detriment to the claimant. She declined to perform her job duties as required, and under the provisions of the above Administrative Code section, this is a voluntary quit without good cause attributable to the employer and she is disqualified.

DECISION:

The representative's decision of August 27, 2007, reference 01, is affirmed. Tracy Hill is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount, provided she is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/kjw