FILED
APR 29 1980
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

HARDEE'S RESTAURANT,
Petitioner-Appellant,

vs.

IOWA DEPARTMENT OF JOB SERVICE
Respondent-Appellee.

Filed April 29, 1980

0-62
2-63619

Appeal from Story District Court - George G. Fagg, Judge.

Petitioner-restaurant appeals district court affirmance of allowance of jobless benefits by respondent-agency, Iowa Department of Job Service. - Affirmed.

Victor G. Lathrop, Ames, for petitioner-appellant.

Walter F. Maley, Iowa Department of Job Service, Des Moines, for respondent-appellee.

Submitted to Oxberger, C.J., and Donielson, Snell, Carter and Johnson, JJ.

PER CURIAM

Petitioner, Hardee's Restaurant, appeals district court affirmance of allowance of jobless benefits by respondent agency, Iowa Department of Job Service. We affirm.

Leslie White, a former employee of Hardee's, filed a claim for unemployment benefits with Job Service. After a hearing, the Job Service hearing officer ruled White voluntarily had quit with good cause attributable to Hardee's and was entitled to unemployment compensation under chapter 96, The Code 1979. The hearing officer's order was affirmed by the Job Service agency and Hardee's petitioned for judicial review. The district court ruled the agency findings were supported by substantial evidence in the record and affirmed Job Service's allowance of benefits. Hardee's appeals asserting the awarding of benefits contravenes the legislative policy of section 96.2, and incorrectly was based on 370 I.A.C. § 4.26(1).

Our review is governed by section 17A.19(8). We review fact questions under the rule of Young Plumbing & Heating Co. v. Iowa National Resources Council, 276 N.W.2d 377, 383-84 (Iowa 1979), and may reverse the agency action if it is unsupported by substantial evidence. However, as stated in Young, the possibility of drawing two inconsistent conclusions from the evidence does not prevent an administrative agency finding from being supported by the evidence. Id.

Job Service granted White benefits on the ground she voluntarily quit with good cause attributable to Hardee's. This conclusion was based on the finding Hardee's willfully breached White's contract of hire as defined in 370 I.A.C. § 4.26(1). Hardee's contends the evidence does not support the finding there was a substantial change in White's contract of hire. It argues White breached the contract of hire because she failed to discharge her duties as an assistant manager.

Under the rule of Young and section 17A.19(8)(f), we hold the finding Hardee's substantially changed White's contract of hiring is supported by substantial evidence in the record. The trial court, in its order, extensively reviewed the record and we need not repeat that review here. As the trial court said, the record indicated White thought she performed adequately and her shortcomings were attributable to lack of proper training and guidance. Further, as the trial court said, while two versions of White's effectiveness appear in the record, the finding by the agency there was no basis for

demonition of rank and significant reduction of compensation was supported by substantial evidence.

We hold the record supports the agency finding Hardee's breached the contract of hire of White. The conclusion White voluntarily quit with good cause attributable to the employer correctly flows from that finding. Accordingly, the decision of Job Service to grant benefits was not in error nor do we find that it contravenes the intent of chapter 96.

Affirmed.