

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

TRUC T DINH
1453 - 2ND PL
DES MOINES IA 50314

WAL-MART STORES INC
C/O TALX UC EXPRESS
PO BOX 283
ST LOUIS MO 63166-0283

Appeal Number: 06A-UI-02860-SWT
OC: 07/31/05 R: 02
Claimant: Respondent (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

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.

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.

YOU MAY REPRESENT yourself in this appeal or you may 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. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The employer appealed an unemployment insurance decision dated February 21, 2006, reference 03, that concluded the claimant voluntarily quit employment with good cause. A telephone hearing was held on March 30, 2006. The parties were properly notified about the hearing. The claimant participated in the hearing with the assistance of an interpreter, Phung Nguyen. Joe Riede participated in the hearing on behalf of the employer with a witness, Lova Friederich.

FINDINGS OF FACT:

The claimant worked for the employer as a bakery worker from August 24, 2005, to January 27, 2006. During the time the claimant worked for the employer, the claimant also worked as a food service worker for Iowa Methodist Hospital. In October 2005, the claimant requested a day shift to accommodate her work schedule at the hospital. The employer accommodated the

claimant's request, and the claimant was scheduled to work from 9:00 a.m. to 2:30 p.m. The claimant then worked 4:00 p.m. to 8:00 p.m. at the hospital. The schedule remained the same until January 22, 2006.

On January 22, 2006, the claimant's work schedule was changed to require her to work from 9:00 a.m. to 6:00 p.m. or 11:00 a.m. to 8:00 p.m. on the days that she was scheduled to work. This was done because the schedule in the bakery was revamped, and all employees were affected. The claimant's manager knew the claimant had a second job and her hours there would conflict with the new schedule. The claimant complained to the manager after the schedule was posted, but the manager informed her that there was nothing that could be done regarding the schedule. Consequently, the claimant quit her employment due to the change in her hours, which amounted to a substantial change because of the conflict with her hours at her other job.

The employer's account is not presently chargeable for benefits paid to the claimant since it is not a base period employer on the claim.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant voluntarily quit employment without good cause attributable to the employer.

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.

The claimant quit employment due to a substantial change in her schedule, which was caused by her employer. The employer knew the claimant's had a second job, and the new hours would conflict with her schedule for that job. The claimant complained to management about the change in her schedule but was told that there was nothing that could be done.

The employer's account is not presently chargeable for benefits paid to the claimant since it is not a base period employer on the claim. If the employer becomes a base period employer in a future benefit year, its account may be chargeable for benefits paid to the claimant based on this separation from employment.

DECISION:

The unemployment insurance decision dated February 21, 2006, reference 03, is affirmed. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

saw/tjc