

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SOL A SAGARDIA

Claimant

APPEAL NO: 10A-UI-02999-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WALMART STORES INC

Employer

OC: 01/03/10

Claimant: Appellant (2)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed a representative's February 11, 2010 decision (reference 01) that disqualified her from receiving benefits and held the employer's account exempt from charge because the claimant voluntarily quit her employment for reasons that do not qualify her to receive benefits. A telephone hearing was held on May 18, 2010. The claimant participated in the hearing. The employer responded to the hearing notice. One of the witnesses, Jay Bickford, was contacted. He informed the administrative law judge that the employer elected not to participate in the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit her employment for reasons that qualify her to receive benefits?

FINDINGS OF FACT:

The claimant started working for the employer on July 18, 2009. The employer initially hired her to work as a part-time cashier. In November 2009, the claimant agreed to work as a full-time cashier and cashier trainer.

During her employment, the claimant had problems with a cashier who had worked two years for the employer. The claimant reported the problems to management. When management did not take any action, the claimant contacted the employer's hotline. A corporate manager talked to the claimant on November 20. The claimant understood she would be transferred to another department.

Problems between the claimant and another cashier escalated to the extent that the cashier reported the claimant and other employees were making fun of her during a time the claimant was not working. After the cashier complained about the claimant about her, management told the claimant she could not talk to co-workers at work because a co-worker took her comments personally.

After the cashier yelled at the claimant during a shift, the claimant reported the incident to an assistant manager. He asked the claimant to come in early on December 5 so she could be shown what to do in a new department. After the claimant reported to work early on December 5, she learned the store manager would not allow her to transfer. The claimant then resigned because the employer refused to resolve issues the claimant brought to the employer's attention. When the store manager would not transfer the claimant to another department or address her concerns, the claimant quit her employment on December 5, 2009.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer. Iowa Code section 96.5-1. When a claimant quits, she has the burden to establish she quit for reasons that qualify her to receive benefits. Iowa Code section 96.6-2.

The law presumes a claimant quits with good cause when she leave because of intolerable working conditions. 871 IAC 24.26(4). The claimant established she quit for reasons that qualify her to receive benefits. The claimant reported problems she had at work and asked the employer to address her concerns. Although a corporate employee and an assistant manager indicated the claimant would be transferred to the deli at least until the employer could resolve the claimant's concerns, the store manager would not allow the claimant to transfer and did not address the problems she asked the employer to resolve. As of January 3, 2010, the claimant is qualified to receive benefits.

DECISION:

The representative's February 11, 2010 decision (reference 01) is reversed. The claimant voluntarily quit her employment for reasons that qualify her to receive benefits. As of January 3, 2010, the claimant is qualified to receive benefits, provided she meets all other eligibility requirements. The employer's account may be charged for benefits paid to the claimant.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs