

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ROBERT T BENKELMAN
Claimant

APPEAL NO: 11A-UI-14697-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WAL-MART STORES INC
Employer

OC: 10/16/11
Claimant: Appellant (1)

Iowa Code § 96.5(1) – Voluntary Quit

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's November 8, 2011 determination (reference 01) that disqualified him from receiving benefits and held the employer's account exempt from charge because he had voluntarily quit his employment for reasons that do not qualify him to receive benefits. The claimant participated in the hearing. The employer did not respond to the hearing notice or participate in the hearing. Based on the evidence, the claimant's arguments, and the law, the administrative law judge concludes the claimant is not qualified to receive benefits.

ISSUE:

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

FINDINGS OF FACT:

The claimant started working for the employer in April 2010. He worked an average of 33 hours a week as a cashier. The employer initially hired him to work as an associate in the lawn and garden department. In October 2010, the employer offered the claimant a job as a cashier and the claimant accepted.

On September 24, 2011, the claimant became frustrated with a customer service manager and made comment under his breath, "You witch." The customer service manager heard the comment and immediately sent the claimant to talk to the assistant manager, Jason.

While he talked to Jason, the claimant indicated the employer treated him unfairly. The claimant wanted more hours and wanted to be scheduled in other departments so he could learn more than just the cashier position. Jason told the claimant he could not schedule him for other departments because the employer was short staffed on the front end. Even after a toy department manager indicated he could use the claimant in the toy department, Jason indicated that this was not going to happen because the claimant was just a cashier.

The claimant told the employer that if was not schedule for other departments, he would quit. After Jason told him this would not happen, the claimant walked out early and did not return.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5(1). The claimant quit when he walked out after working just an hour of his shift. When a claimant quits, he has the burden to establish he quit for reasons that qualify him to receive benefits. Iowa Code § 96.6(2).

The claimant quit for personal reasons. His reasons for quitting do not qualify him to receive benefits. As of October 16, 2011, the claimant is not qualified to receive benefits.

DECISION:

The representative's November 8, 2011 determination (reference 01) is affirmed. The claimant voluntarily quit his employment for reasons that do not qualify him to receive benefits. The claimant is disqualified from receiving unemployment insurance benefits as of October 16, 2011. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css