

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SHERRY V GODDARD

Claimant

APPEAL NO. 08A-UI-11427-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WAL-MART STORES INC

Employer

**OC: 11/02/08 R: 02
Claimant: Respondent (1)**

Section 96.5-1 – Voluntary Quit
871 IAC 24.26(4) – Voluntary Quit/Working Conditions

STATEMENT OF THE CASE:

The employer filed an appeal from a decision of a representative dated November 26, 2008, reference 01, which held claimant eligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on December 31, 2008. The claimant participated. The employer participated by Ms. Casey Suit, Assistant Manager. Exhibits One and Two were received into evidence.

ISSUE:

The issue in this matter is whether the claimant quit for good cause attributable to the employer.

FINDINGS OF FACT:

The administrative law judge having heard the testimony and considered all of the evidence in the record, finds: The claimant worked for this employer from May 2, 2006 until November 4, 2008 when she voluntarily left employment due to working conditions. Ms. Goddard was employed as a full-time accessory department manager and was paid by the hour. Her immediate supervisor was Sue Zesner.

Ms. Goddard left her employment with Wal-Mart Stores Inc. on November 4, 2008 after being instructed to perform additional duties by the assistant manager and her area manager. The claimant had been given numerous job assignments to reorganize the department and additional directives were given to the claimant when the employer believed that the claimant had not shown sufficient and significant improvement in the department. Ms. Goddard had performed her duties to the best of her abilities and had received two coaching sessions from the employer and a one-half “decision” day was suspended due to her performance. Based upon the most recent new directives as well as the claimant’s reasonable perception that the floor director not be of assistance to her, the claimant left her employment with the company. Prior to leaving the claimant had attempted to go up the chain of command by sending an e-mail to management in the personnel department requesting assistance in resolving what she

considered to be employer expectations that were unreasonable. The claimant had received no response from company management prior to her leaving.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence in the record establishes that Ms. Goddard quit for good cause attributable to the employer. It does.

The evidence in the record establishes the claimant followed a reasonable course of action by attempting to explain to her supervisor and to the assistant manager the difficulties that she was experiencing in attempting to comply with new work directives that had been repeatedly given to the claimant. Additional duties had been added to the claimant's job description during the most recent six months of her employment and the claimant was required to reorganize the department that had previously been allowed to go out of compliance with company standards. Numerous directives were given to the claimant on a regular basis and the claimant was unable to satisfy the demands placed upon her by company management. The claimant had been warned on two occasions that her performance was not satisfactory and had been suspended for a half day. These circumstances normally lead to the discharge of an employee and Ms. Goddard was not aware that any exception was being made in her case. When the claimant reasonably concluded that the employer's expectations were unreasonable and no assistance was available from company management, she left her employment with Wal-Mart Stores Inc.

871 IAC 24.26(4) provides:

Voluntary quit with good cause attributable to the employer and separations not considered to be voluntary quits. The following are reasons for a claimant leaving employment with good cause attributable to the employer:

(4) The claimant left due to intolerable or detrimental working conditions.

DECISION:

The representative's decision dated November 26, 2008, reference 01, is affirmed. The claimant voluntarily left employment for reasons attributable to the employer. Unemployment insurance benefits are allowed, providing the claimant meets all other eligibility requirements of Iowa law.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

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