

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

LINDA M DANGLER
1676 HWY 78
MT PLEASANT IA 52641-9259

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

Appeal Number: 06A-UI-04010-CT
OC: 03/12/06 R: 04
Claimant: Respondent (2)

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:

Wal-Mart Stores, Inc. filed an appeal from a representative's decision dated March 31, 2006, reference 01, which held that no disqualification would be imposed regarding Linda Dangler's separation from employment. After due notice was issued, a hearing was held by telephone on April 25, 2006. The employer participated by Jessica James, Assistant Manager. Ms. Dangler did not respond to the notice of hearing.

FINDINGS OF FACT:

Having heard the testimony of the witness and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Dangler was employed by Wal-Mart from November 1, 2005 until February 4, 2006, as a full-time grocery stocker. She was presumed to

have quit when she stopped reporting to work after February 4, 2006. The employer has a written work rule, of which Ms. Dangler was aware, that provides three consecutive unreported absences will be considered a voluntary quit.

Ms. Dangler did not advise the employer that she was having difficulty performing her job. She did request a transfer to a pharmacy position but did not indicate that her desire to transfer was due to an inability to perform the job for which she was hired. She was not allowed to transfer because a transfer requires 90 days of employment. Ms. Dangler did not tell the employer that she was advised by a doctor to leave the employment. Continued work would have been available if she had continued reporting for work or had notified the employer of her intentions.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Ms. Dangler was separated from employment for any disqualifying reason. She voluntarily quit when she stopped reporting for available work. An individual who voluntarily quits employment is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). Ms. Dangler did not participate in the hearing to offer an explanation for her decision to quit. She did establish that she could not perform the job or that a doctor advised her to leave the employment. Although Ms. Dangler indicated in her fact-finding statement that the job was too hard for her to handle, that contention has not been established to the satisfaction of the administrative law judge.

For the reasons stated herein, the administrative law judge concludes that Ms. Dangler's quit was not for good cause attributable to the employer. Accordingly, benefits are denied. No overpayment results from this reversal of the prior allowance as Ms. Dangler has not been paid benefits on her claim filed effective March 12, 2006.

DECISION:

The representative's decision dated March 31, 2006, reference 01, is hereby reversed. Ms. Dangler voluntarily quit her employment for no good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly job insurance benefit amount, provided she satisfies all other conditions of eligibility.

cfc/kkf