

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DEBORAH WATTS**

Claimant

**APPEAL NO: 15A-UI-02043-DT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WAL-MART STORES INC**

Employer

**OC: 01/25/15**

**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Leaving

**STATEMENT OF THE CASE:**

Deborah Watts (claimant) appealed a representative's February 9, 2015 (reference 01) decision that concluded she was not qualified to receive unemployment insurance benefits after a separation from employment with Wal-Mart Stores, Inc. (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on March 17, 2015. The claimant participated in the hearing. A review of the Appeals Bureau's conference call system indicates that the employer failed to respond to the hearing notice and provide a telephone number at which a witness or representative could be reached for the hearing and did not 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 for a good cause attributable to the employer?

**OUTCOME:**

Reversed. Benefits allowed.

**FINDINGS OF FACT:**

The claimant started working for the employer on April 21, 2009. She worked full time in the photo lab at the employer's Ottumwa, Iowa store. Her last day of work was January 22, 2015. She voluntarily quit work as of January 24, 2015. Her reason for quitting was being repeatedly yelled at and demeaned by her department manager.

The claimant's manager had berated her in the past within the sight and hearing of customers and other employees. On January 22 the claimant had asked the manager if there was something else she wanted her to do and the manager replied that there were notes of things to be done in the book. The claimant asked if she meant the book in one area or the book in another area, and the manager began yelling at the claimant and calling her "stupid."

The claimant was fed up with the treatment, she went on her lunch break, and then went to talk to the store manager. When she told the store manager what had happened, he told her to "just deal with it." The claimant finished out her shift that day but then decided not to return to work for her shift on January 24, 2015.

**REASONING AND CONCLUSIONS OF LAW:**

If the claimant voluntarily quit her employment, she is not eligible for unemployment insurance benefits unless it was for good cause attributable to the employer. Iowa Code § 96.5-1. Intolerable or detrimental working conditions are good cause for quitting attributable to the employer. Rule 871 IAC 24.26(4). The claimant has demonstrated that a reasonable person would find the employer's work environment detrimental or intolerable. *O'Brien v. EAB*, 494 N.W.2d 660 (Iowa 1993); *Uniweld Products v. Industrial Relations Commission*, 277 So.2d 827 (FL App. 1973). Benefits are allowed.

**DECISION:**

The representative's February 9, 2015 (reference 01) decision is affirmed. The claimant voluntarily quit for good cause attributable to the employer. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

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Lynette A. F. Donner  
Administrative Law Judge

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Decision Dated and Mailed

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