

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**SHELBY J OLSEN**

Claimant

**APPEAL NO. 10A-UI-03192-MT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WAL-MART STORES INC**

Employer

**OC: 01/17/10**

**Claimant: Appellant (2)**

Section 96.5-1 – Voluntary Quit

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated February 23, 2010, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on April 13, 2010. Claimant participated. Employer participated by Mick Baldwin, Assistant Manager and Jeri Barnhart, Personnel Coordinator.

**ISSUE:**

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

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant last worked for employer on December 19, 2009. Claimant moved from Dubuque to West Liberty to be closer to family. Claimant was promised a job in Coralville or Iowa City at a Wal-Mart close to West Liberty. By the time claimant arrived at West Liberty both stores had incurred a hiring freeze. Claimant was then terminated from employment at the Dubuque Wal-Mart for not transferring and or returning to work from a leave of absence.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge holds that the evidence has established that claimant voluntarily quit for good cause attributable to employer when claimant terminated the employment relationship because she moved to West Liberty. Claimant was promised a job at a location close to West Liberty. When claimant arrived the store had a hiring freeze and no work was available. This is not a quit for good cause. However, since claimant was promised work and none was available when she arrived, she has qualified for benefits. Employer's account shall not be charged. Benefits allowed.

Iowa Code section 96.5-1-a provides:

An individual shall be disqualified for benefits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department. But the individual shall not be disqualified if the department finds that:

a. The individual left employment in good faith for the sole purpose of accepting other or better employment, which the individual did accept, and the individual performed services in the new employment. Benefits relating to wage credits earned with the employer that the individual has left shall be charged to the unemployment compensation fund. This paragraph applies to both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

871 IAC 24.28(5) provides:

Voluntary quit requalifications and previously adjudicated voluntary quit issues.

(5) The claimant shall be eligible for benefits even though the claimant voluntarily quit if the claimant left for the sole purpose of accepting an offer of other or better employment, which the claimant did accept, and from which the claimant is separated, before or after having started the new employment.

**DECISION:**

The decision of the representative dated February 23, 2010, reference 01, is reversed. Employer's account shall not be charged. Unemployment insurance benefits are allowed, provided claimant is otherwise eligible.

---

Marlon Mormann  
Administrative Law Judge

---

Decision Dated and Mailed

mdm/pjs