

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DEIRDRE C SLACK
Claimant

APPEAL NO. 14A-UI-03456-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WAL-MART STORES INC
Employer

OC: 12/01/13
Claimant: Appellant (1)

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

Claimant filed a timely appeal from a representative's decision dated March 20, 2014, reference 01, which denied unemployment insurance benefits. After due notice was provided, a telephone hearing was held on April 22, 2014. The claimant participated. The employer participated by Ms. Mary Siebold, Assistant Manager.

ISSUE:

At issue is whether the claimant left employment with good cause attributable to the employer.

FINDINGS OF FACT:

Having considered all the evidence in the record, the administrative law judge finds: Deirdre Slack was employed by Wal-Mart Stores from February 4, 2014 until February 19, 2014 when she voluntarily quit employment. Ms. Slack was hired to work as a part-time cashier but had requested to work as a "zone worker." Ms. Slack was paid by the hour. Her immediate supervisor was her trainer.

Ms. Slack left her employment with Wal-Mart Stores after concluding that she did not have the physical ability to work as a "zone worker." Ms. Slack had applied for any position that was available at Wal-Mart Stores and had initially accepted the position as a cashier. After the claimant had accepted the position as cashier, she felt that she did not have the attributes to perform that job because she was apprehensive and fearful that she might make mistakes. At the time that the claimant applied for employment and was offered various jobs with Wal-Mart, the claimant was given a job description that clearly explained the duties of each position. The claimant did not indicate that she was not able to perform the jobs that she had chosen to accept with the company.

Work continued to be available to Ms. Slack at the time of her leaving. Company employees are aware through orientation and the company handbook that they may request an accommodation by the company, if they need assistance in performing certain aspects of their jobs. Prior to leaving employment Ms. Slack did not request Wal-Mart Stores for any accommodation.

REASONING AND CONCLUSIONS OF LAW:

The question before the administrative law judge is whether the evidence in the record establishes that the claimant left employment with good cause that was attributable to the employer. It does not.

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code section 96.6(2). An individual who voluntarily leaves their employment must first give notice to the employer of the reasons for quitting in order to give the employer an opportunity to address or resolve the complaint. Cobb v. Employment Appeal Board, 506 N.W.2d 445 (Iowa 1993).

In the case at hand Ms. Slack left her employment with Wal-Mart Stores when she believed that she did not have the ability to work either as a cashier or as a zone re-stocker for the company. Prior to leaving employment the claimant did not request an accommodation from the company that would have assisted her in performing her duties. The evidence establishes that Ms. Slack failed to give the employer a reasonable opportunity to address or resolve any dissatisfactions that she had with her employment prior to leaving. The claimant had requested employment in "any position" and had been given a job description of each job position. Prior to accepting each position the claimant had not indicated any inability to perform the duties of either job position. The company had accommodated Ms. Slack by moving her from the cashier position to the zone re-stocking position, however, the claimant did not request an accommodation from the company before leaving her employment and the zone re-stocking position.

Based on the evidence in the record the administrative law judge concludes that the claimant's reasons for leaving were not attributable to the employer. Unemployment insurance benefits are withheld.

DECISION:

The representative's decision dated March 20, 2014, reference 01, is affirmed. The claimant is disqualified. The claimant left employment without good cause attributable to the employer. Unemployment insurance benefits are withheld until the claimant has worked in and been paid wages for insured work equal to ten times her weekly benefit amount and is otherwise eligible.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

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