

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

WENDY J BANTZ  
1607 CEDAR-MUSCATINE RD  
WILTON IA 52778-9280

DOLGENCORP INC  
c/o COMPENSATION TAX MANAGER  
PO BOX 34150  
LOUISVILLE KY 40232

Appeal Number: 06A-UI-06533-CT  
OC: 05/28/06 R: 04  
Claimant: Respondent (1)

**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, 4<sup>th</sup> 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.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5(2)a – Discharge for Misconduct

STATEMENT OF THE CASE:

Dolgencorp, Inc. filed an appeal from a representative's decision dated June 14, 2006, reference 01, which held that no disqualification would be imposed regarding Wendy Bantz' separation from employment. After due notice was issued, a hearing was held by telephone on July 13, 2006. Ms. Bantz participated personally. The employer participated by Avery Brown of Compensation Tax Manager.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Bantz was employed by Dolgencorp, Inc., doing

business as Dollar General, from April 17 until May 19, 2006. She was hired to work full-time as store manager. From May 8 until May 19, she was in Chicago for training. On May 19, Ms. Bantz was advised that she was terminated as she did not pass the training. She was not given any details as to the reason for separation. She spoke to her district manager in an attempt to find out why she was not being retained but was still given no specific details. Ms. Bantz was not offered other work by the employer.

#### REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Ms. Bantz was separated from employment for any disqualifying reason. Although the employer contended that she voluntarily quit, the contention has not been established through any reliable evidence. Ms. Bantz was credible in her testimony to the effect that she did not quit but was discharged. For the above reasons, the separation is considered a discharge. An individual who was discharged from employment is disqualified from receiving job insurance benefits if the discharge was for misconduct. Iowa Code section 96.5(2)a. The employer had the burden of proving disqualifying misconduct. Cosper v. Iowa Department of Job Service, 321 N.W.2d 6 (Iowa 1982). It was incumbent upon the employer to provide specific details concerning the reason for discharge. See 871 IAC 24.32(4).

Having taken the position that Ms. Bantz quit, the employer did not offer evidence on the issue of misconduct. For the reasons cited herein, it is concluded that the employer has failed to establish any basis on which to deny job insurance benefits.

#### DECISION:

The representative's decision dated June 14, 2006, reference 01, is hereby affirmed. Ms. Bantz was discharged, but disqualifying misconduct has not been established. Benefits are allowed, provided she satisfies all other conditions of eligibility.

cfc/cs