

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KEREN D MARTIN
Claimant

APPEAL NO. 12A-UI-07339-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WAL-MART STORES INC
Employer

OC: 05/13/12
Claimant: Appellant (2)

Section 96.5(1) – Quit

STATEMENT OF THE CASE:

The claimant, Keren Martin, filed an appeal from a decision dated June 13, 2012, reference 02. The decision disqualified her from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on July 16, 2012. The claimant participated on her own behalf and with Marsha Roe. The employer, Wal-Mart, did not provide a telephone number where a witness could be contacted and did not participate.

ISSUE:

The issue is whether the claimant quit work with good cause attributable to the employer.

FINDINGS OF FACT:

Keren Martin was employed by Wal-Mart in Fort Dodge, Iowa, from October 24, 2000 until April 12, 2012 as a full-time greeter. The claimant decided she wanted to move to New Mexico and worked with the human resources department to get a transfer to the Wal-Mart in New Mexico. She was assured there were “openings” at that store and the necessary information was apparently to be sent there via the e-mail system.

When Ms. Martin arrived in New Mexico she contacted the local Wal-Mart store but no one there had heard of her transfer or received any documentation from Fort Dodge. She spoke with the store manager in Fort Dodge several times as well as personnel in New Mexico. The only advice she was given was to fill out an application and start over as a new employee.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5-1 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.

The claimant did not quit but left Iowa on the basis of assurances she would be able to transfer to the store in New Mexico. Due to no fault of her own the paperwork and transfer information was either not sent or not received and she had no job after all. The employer did not participate to rebut any of her testimony and the administrative law judge concludes the claimant did not quit but was transferred and the employer did not keep its side of the bargain by making sure the necessary information was conveyed to New Mexico.

DECISION:

The representative's decision of June 13, 2012, reference 02, is reversed. Keren Martin is qualified for benefits, provided she is otherwise eligible.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/css