

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

JEFFREY J REED  
457 NW 5<sup>TH</sup> ST  
EARLHAM IA 50072

WAL-MART STORES INC  
C/o TALX UC EXPRESS  
PO BOX 283  
ST LOUIS MO 63166-0283

Appeal Number: 04A-UI-11003-CT  
OC: 09/12/04 R: 02  
Claimant: Respondent (2)

**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(1) – Voluntary Quit  
Section 96.3(7) – Recovery of Overpayments

STATEMENT OF THE CASE:

Wal-Mart Stores, Inc. filed an appeal from a representative's decision dated October 1, 2004, reference 01, which held that no disqualification would be imposed regarding Jeffrey Reed's separation from employment. After due notice was issued, a hearing was held by telephone on November 3, 2004. Mr. Reed participated personally. The employer participated by Brian Young, Co-Manager. Exhibit One was admitted on the employer's behalf.

#### FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all the evidence in the record, the administrative law judge finds: Mr. Reed began working for Wal-Mart on July 14, 2003 as a manager-in-training. He became a full-time assistant manager in January of 2004. Mr. Reed quit the employment on the evening of August 22 when he turned in his keys and badge to another employee. He gave the items to Michelle Smith and told her to tell Brian Young that "Glenn can run his own damn store," a reference to the manager, Glenn Martin. When Ms. Smith asked whether he was quitting, Mr. Reed nodded his head to indicate he was.

On or about August 16, Mr. Martin had conducted a meeting with the store's management team. He was dissatisfied with their performance and told them to either find a different store to transfer to or find another job. Mr. Reed questioned his district manager about the availability of other Wal-Mart store vacancies and was told there were none. Mr. Reed continued to work at his assigned location. On August 21, he received an e-mail from Mr. Martin directing him to make sure all merchandise from the back area was put away by the following day, August 22. Continued work would have been available if Mr. Reed had not quit on August 22, 2004. No other management members quit the employment in response to Mr. Martin's statements during the staff meeting.

Mr. Reed has received a total of \$2,457.00 in job insurance benefits since filing his claim effective September 12, 2004.

#### REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Mr. Reed was separated from employment for any disqualifying reason. Mr. Reed contended that Mr. Martin's statements during the staff meeting of August 16, 2004 constituted a discharge from the employment. The administrative law judge concludes to the contrary. In essence, Mr. Martin was telling the staff to either perform their jobs in the manner expected or look for work at a different Wal-Mart or elsewhere. The administrative law judge does not believe a reasonable person would have concluded that Mr. Martin was discharging all of his managers. The administrative law judge does not feel Mr. Reed believed he was being discharged. The fact that he continued reporting to work is evidence that he did not believe he had been discharged. He continued reporting to work at his assigned location even though he had been told that there were no positions to transfer to. If he truly felt he had been discharged on August 16, one would not have expected him to continue reporting to his assigned location after learning on August 18 that there was no store to which he could transfer. Moreover, the fact that Mr. Martin sent Mr. Reed an e-mail regarding work duties on August 21 is indicative of the fact that he was still considered an employee in spite of Mr. Martin's statements during the August 16 meeting.

The above factors, coupled with Mr. Reed's statement to Ms. Smith when he turned in his badge and keys, persuade the administrative law judge that Mr. Reed voluntarily quit his employment. An individual who voluntarily quits employment is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). Mr. Reed had the burden of proving that his quit was for good cause attributable to the employer. Iowa Code section 96.6(2). The evidence of record does not establish any good cause attributable to the employer for Mr. Reed's quit. Although he had complaints about Mr. Martin, his testimony regarding those complaints was vague at best. It does not appear that he ever put the employer on notice that he intended to quit because of Mr. Martin.

After considering all of the evidence and the contentions of the parties, the administrative law judge concludes that Mr. Reed has failed to establish that he had good cause attributable to the employer for quitting. Accordingly, benefits are denied. Mr. Reed has received benefits since filing his claim. Based on the decision herein, the benefits received now constitute an overpayment and must be repaid. Iowa Code section 96.3(7).

DECISION:

The representative's decision dated October 1, 2004, reference 01, is hereby reversed. Mr. Reed voluntarily quit his employment for no good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly job insurance benefit amount, provided he satisfies all other conditions of eligibility. Mr. Reed has been overpaid \$2,457.00 in job insurance benefits.

cfc/tjc