

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DANNA J BARBA
Claimant

APPEAL NO. 11A-UI-13971-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WAL-MART STORES INC
Employer

**OC: 09/11/11
Claimant: Appellant (2)**

Section 96.5-1 - Voluntary Quit

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated October 18, 2011, reference 02, that concluded she was discharged for work-connected misconduct. A telephone hearing was held on November 22, 2011. The parties were properly notified about the hearing. The claimant participated in the hearing. No one participated in the hearing on behalf of the employer.

ISSUE:

Did the claimant voluntarily quit employment without good cause attributable to the employer?

FINDINGS OF FACT:

The claimant worked full-time for the employer as a cashier from June 16, 2009, to July 23, 2011.

The claimant had worked on the day shift and the overnight shift during her employment. She started back on the overnight shift in September 2010 after returning from maternity leave.

In March 2011, the claimant requested to be transferred back to the dayshift because the person she had watching her children overnight could no longer babysit for her and she could not find anyone else to babysit overnight. She was told by management that she could transfer to the dayshift in a couple of weeks. Each time afterward that the claimant asked a supervisor when she would be allowed to transfer to the dayshift, the date was changed to a later date.

The claimant continued to work overnight when she could find someone to watch her children, but she had no regular babysitter and missed several days of work.

Finally, in July 2011 she told her supervisor that if she could not transfer to the dayshift, she would have to quit. She was absent from work on July 22 because she could not find a babysitter. On July 23, she informed her supervisor that she was quitting due to the employer's failure to provide her with dayshift hours as she had been promised.

REASONING AND CONCLUSIONS OF LAW:

The unemployment insurance law disqualifies claimants who voluntarily quit employment without good cause attributable to the employer. Iowa Code § 96.5-1.

The claimant has established good cause to leave employment due to the employer's failure to provide her with dayshift hours as she had been promised.

DECISION:

The unemployment insurance decision dated October 18, 2011, reference 02, is reversed. The claimant is qualified to receive unemployment insurance benefits, if she is otherwise eligible.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/kjw