

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

GEORGANN ROBERTS

Claimant

APPEAL NO. 09A-UI-17802-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WAL-MART STORES INC

Employer

OC: 10/25/09

Claimant: Appellant (1)

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Georgann Roberts filed an appeal from a representative's decision dated November 19, 2009, reference 01, which denied benefits based on her separation from Wal-Mart Stores, Inc. After due notice was issued, a hearing was held by telephone on January 7, 2010. Ms. Roberts participated personally. The employer did not respond to the notice of hearing.

ISSUE:

At issue in this matter is whether Ms. Roberts was separated from employment for any disqualifying reason.

FINDINGS OF FACT:

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Roberts began working for Wal-Mart in April of 2006. On or about September 29, 2009, she voluntarily transferred to the deli department for a better job. She did not receive any training on the new job and had to rely on other deli workers for assistance. She found that only one of the other three who worked her shift would assist her. She felt that one in particular, Crystal, was mean to her and refused to help her.

On her third day in the new job, October 1, Ms. Roberts went to an assistant manager to complain about the lack of training and the treatment she received from Crystal. The assistant manager told her to do the best she could and to get back to her if the problems continued. She did not go back to the assistant manager. After she completed her shift on October 1, she contacted the store manager and announced her decision to quit. The manager asked if there was anything that could be done to keep her from quitting and Ms. Roberts indicated there was not. She did not believe the employer would take effective steps to remedy the situation.

REASONING AND CONCLUSIONS OF LAW:

An individual who leaves employment voluntarily is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). Ms. Roberts quit because she was not trained in her new job and because she

was treated poorly by a coworker. However, she did not give the employer a full and fair opportunity to correct the situation before she quit. She was only in the new position three days. On the third day, after she complained, she was told to come back to the assistant manager if the problems persisted. Rather than return to the assistant manager to see what steps the employer intended to take, Ms. Roberts quit.

Ms. Roberts was given a second opportunity to allow the employer to address her concerns when the store manager asked what could be done to prevent her from quitting. She indicated a clear intent to leave the employment rather than explore possible resolutions to the problems that were causing her to quit. The problems she cited were not so intolerable that she was justified in quitting without first giving the employer an opportunity to remedy the situation. Ms. Roberts may have had good cause to quit Wal-Mart if the employer had been unresponsive to her complaints. However, both the assistant manager and the store manager appeared to be willing to provide assistance. Because she did not give the employer a full and fair opportunity to try to salvage the employment relationship, her separation was not for cause attributable to the employer. Accordingly, benefits are denied.

DECISION:

The representative's decision dated November 19, 2009, reference 01, is hereby affirmed. Ms. Roberts voluntarily quit her employment without good cause attributable to the employer. Benefits are denied until she has worked in and been paid wages for insured work equal to ten times her weekly job insurance benefit amount, provided she is otherwise eligible.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/pjs