

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**RACHEL K SMITH**  
Claimant

**APPEAL NO. 09A-UI-02067-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WAL-MART STORES INC**  
Employer

**OC: 01/04/09 R: 44**  
**Claimant: Respondent (2)**

Section 96.5(1) – Quit

**STATEMENT OF THE CASE:**

The employer, Wal-Mart, filed an appeal from a decision dated January 28, 2009, reference 01. The decision allowed benefits to the claimant, Rachel Smith. After due notice was issued, a hearing was held by telephone conference call on March 3, 2009. The claimant did not provide a telephone number where she could be contacted and did not participate. The employer participated by Assistant Manager Sonya Jarvis.

**ISSUE:**

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

**FINDINGS OF FACT:**

Rachel Smith was employed by Wal-Mart from May 29, 2007 until January 8, 2009 as a part-time sales associate. Her last day of work was January 3, 2009, but she did not appear for some of her scheduled shifts after until January 8, 2009. At that time she came in to the personnel office and told Personnel Manager Tammy Strunk she was quitting. She filled out the separation forms and the only reason she stated for quitting was, “you should probably work on Heather in electronics moral (sic), so stuff like this doesn’t happen.”

The employer has an open door policy, set out in the employee handbook. Any associate who has problems with a co-worker, supervisor, or manager is free to go to any member of management to request the problem be resolved. Associates may also go to a “market manager,” someone who is in charge of several stores in a district, and not within the hierarchy of a specific store. Ms. Smith had never brought any complaints or concerns to the attention of any member of management prior to quitting.

Rachel Smith filed a claim for unemployment benefits with an effective date of January 4, 2009. The records of Iowa Workforce Development indicate no benefits have been paid as of the date of the hearing.

**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 apparently quit over a problem with another associate. However, since she did not bring any complaints or concerns to the attention of management, and did not participate in the hearing, the precise nature of her problem is not known. For a quit to be with good cause attributable to the employer, the claimant must first advise the employer of the problem and allow a reasonable opportunity for management to resolve it. Only if the employer does not address or resolve the concern within a reasonable amount of time would the quit be with good cause attributable to the employer. Under the present circumstances, the record establishes the claimant did not have good cause attributable to the employer and she is disqualified.

**DECISION:**

The representative's decision of January 28, 2009, reference 01, is reversed. Rachel Smith is disqualified and benefits are withheld until she has earned ten times her weekly benefit amount, provided she is otherwise eligible.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

bgh/css