

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JAMIE M WHITE

Claimant

APPEAL NO. 07A-UI-08077-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WAL-MART STORES INC

Employer

**OC: 06/24/07 R: 02
Claimant: Appellant (1)**

Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

Jamie White filed a timely appeal from the August 13, 2007, reference 03, decision that denied benefits. After due notice was issued, a hearing was held on September 10, 2007. Claimant participated. Billie Sieperda, Asset Protection Coordinator, represented the employer.

ISSUE:

Whether the claimant's voluntary quit was for good cause attributable to the employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Jamie White was employed by Wal-Mart as a full-time cashier from February 13, 2007 until June 22, 2007, when she voluntarily quit. On June 22, Ms. White met with two Wal-Mart loss prevention officers, ostensibly to discuss information she might have about one or more incidents that had occurred at the store. During the meeting, the loss prevention officers confronted Ms. White with evidence they had accumulated during an investigation into employee theft. The evidence, including surveillance video, showed Ms. White misappropriating funds from her assigned cash register, or engaged in other misappropriation of the employer's assets, on several occasions. The loss prevention officers did not have authority to discharge Ms. White from the employment and did not discuss a discharge with Ms. White. Ms. White denied the allegations of theft. Ms. White stood up and said she did not have to take it and that she quit. Ms. White threw a badge or a discount card and exited the workplace.

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.

In general, a voluntary quit requires evidence of an intention to sever the employment relationship and an overt act carrying out that intention. See Local Lodge #1426 v. Wilson Trailer, 289 N.W.2d 698, 612 (Iowa 1980) and Peck v. EAB, 492 N.W.2d 438 (Iowa App. 1992). In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer. See 871 IAC 24.25.

The evidence in the record indicates that Ms. White voluntarily quit for personal reasons and not for good cause attributable to the employer. Ms. White quit the employment to avoid responding to questions from the employer about a theft investigation or otherwise cooperate with the investigation. Ms. White is disqualified for benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The employer's account shall not be charged for benefits paid to Ms. White.

DECISION:

The Agency representatives August 13, 2007, reference 03, decision is affirmed. The claimant voluntarily quit the employment without good cause attributable to the employer. The claimant is disqualified for benefits until she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. The employer's account shall not be charged.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/kjw