

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

WINNIE R HASTAIN  
15355 – 118<sup>TH</sup> AVE  
OTTUMWA IA 52501

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

Appeal Number: 05A-UI-07881-HT  
OC: 06/12/05 R: 03  
Claimant: Respondent (1)

**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) – Quit

STATEMENT OF THE CASE:

The employer, Wal-Mart, filed an appeal from a decision dated July 20, 2005, reference 01. The decision allowed benefits to the claimant, Winnie Hastain. After due notice was issued a hearing was held by telephone conference call on August 18, 2005. The claimant participated on her own behalf. The employer participated by Store Manager Brian Hoag, Pharmacy Manager Lisa DeYoung and Assistant Deli Manager Kari Gates.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Winnie Hastain was employed by Wal-Mart from

June 5, 2003 until June 17, 2005. She was a full-time pharmacy technician working 9:00 a.m. until 6:00 p.m.

On or around June 1, 2005, Pharmacy Manager Lisa DeYoung told the claimant she was being laid off because the number of hours available in the pharmacy had been reduced. She would be working through the end of the current schedule but after that no work in the pharmacy would be available.

#### REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant is disqualified. The judge concludes she is not.

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 did not quit her job as a pharmacy technician, but was laid off due to a reduction in available hours in the pharmacy. This is not a disqualifying separation.

#### DECISION:

The representative's decision of July 20, 2005, reference 01, is affirmed. Winnie Hastain is qualified for benefits provided she is otherwise eligible.

bgh/tjc