

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

CLARISSA D BOXWELL  
18 COTTAGE PL  
UTICA NY 13502

WAL-MART STORES INC  
c/o TALK UC EXPRESS  
PO BOX 283  
ST LOUIS MO 63166-0283

Appeal Number: 05A-UI-11761-CT  
OC: 10/16/05 R: 12  
Claimant: Respondent (2)

**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) – Voluntary Quit  
Section 96.3(7) – Recovery of Overpayments

STATEMENT OF THE CASE:

Wal-Mart Stores, Inc. filed an appeal from a representative's decision dated November 3, 2005, reference 01, which held that no disqualification would be imposed regarding Clarissa Boxwell's separation from employment. After due notice was issued, a hearing was held by telephone on December 6, 2005. The employer participated by Abby Smith, Service Manager, and Bryan Johnson, Store Manager. Exhibit One was admitted on the employer's behalf. Ms. Boxwell did not respond to the notice of hearing.

#### FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Boxwell began working for Wal-Mart on August 31, 2001 and last performed services on July 25, 2005. She was last employed full time as a layaway associate. In early July of 2005, she inquired about taking a leave of absence due to personal issues. She was told she would need to complete the required paperwork in order for the request to be considered. Ms. Boxwell never submitted an application to take leave and was never advised that a leave had been granted.

When Ms. Boxwell failed to report for work after July 25, numerous attempts were made to reach her by telephone, to no avail. She did not contact the employer at any point after July 25. Continued work would have been available if she had continued reporting or had notified the employer of her intentions. Ms. Boxwell is currently working in a Wal-Mart store in Utica, New York.

Ms. Boxwell has received a total of \$911.00 in job insurance benefits since filing her claim effective October 16, 2005.

#### REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Ms. Boxwell was separated from employment for any disqualifying reason. The administrative law judge concludes that she abandoned her job when she stopped reporting for available work. An individual who voluntarily quits employment is disqualified from receiving job insurance benefits unless the quit was for good cause attributable to the employer. Iowa Code section 96.5(1). The evidence of record does not establish any cause attributable to the employer for Ms. Boxwell's quit. She could have requested a leave of absence to preserve her employment but did not do so. She simply stopped reporting for work.

Inasmuch as Ms. Boxwell's quit was not for good cause attributable to the employer, she is not entitled to job insurance benefits. She has received benefits since filing her claim. Based on the decision herein, the benefits received now constitute an overpayment and must be repaid. Iowa Code section 96.3(7).

#### DECISION:

The representative's decision dated November 3, 2005, reference 01, is hereby reversed. Ms. Boxwell voluntarily quit her employment with Wal-Mart for no good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly job insurance benefit amount, provided she satisfies all other conditions of eligibility. Ms. Boxwell has been overpaid \$911.00 in job insurance benefits.

cfc/s