

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**TERRI ANN JOENS**

Claimant

**APPEAL NO. 06A-UI-10735-CT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WAL-MART STORES INC**

Employer

**OC: 09/17/06 R: 03  
Claimant: Respondent (1)**

Section 96.5(1) – Voluntary Quit

**STATEMENT OF THE CASE:**

Wal-Mart Stores, Inc. filed an appeal from a representative's decision dated October 26, 2006, reference 01, which held that no disqualification would be imposed regarding Terri Joens' separation from employment. After due notice was issued, a hearing was held by telephone on November 21, 2006. Ms. Joens participated personally. The employer participated by Kurt Penfold, Store Manager.

**ISSUE:**

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

**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. Joens began working for Wal-Mart in May of 1999. At the time of separation, she was working full time as photo lab manager, a position she had held for six years. Due to restructuring within the company, her job was eliminated as the photo lab was going to be managed by the store manager. Ms. Joens was offered the opportunity to work as a cashier or to be part of the store's management team.

Ms. Joens turned down the cashier job because it would have meant a reduction in pay. She was driving 60 miles per day to and from work and could not afford to lose wages. Ms. Joens declined to join the management team as an assistant manager because she did not feel qualified for the position. She would have had more responsibilities and more to learn. As the photo lab manager, Ms. Joens received bonuses. Her bonuses had ranged from \$3,000 to \$7,000 per year. She would not have had the opportunity for bonuses as a cashier. Any bonus she earned as an assistant manager would likely not have been in the same amounts as those she received as a manager.

Because she did not accept the options offered by the employer, Ms. Joens became separated from Wal-Mart on September 15, 2006. The elimination of her management position was the sole reason for the separation.

**REASONING AND CONCLUSIONS OF LAW:**

Ms. Joens quit employment with Wal-Mart. 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). For reasons that follow, the administrative law judge concludes that Ms. Joens quit because of a substantial change in the terms and conditions of employment. She had been a manager for six years before her job was eliminated. The only comparable position offered was that of an assistant manager. Although her base salary may not have decreased, it appears that there would have been less of an opportunity to earn bonuses to the same extent as she did as a manager. Moreover, Ms. Joens would have increased responsibilities if she became an assistant manager.

The administrative law judge concludes that Ms. Joens had good cause attributable to the employer for quitting due to the changes in the terms of her employment. The changes were substantial for her, especially with regard to bonuses. For the reasons cited herein, benefits are allowed.

**DECISION:**

The representative's decision dated October 26, 2006, reference 01, is hereby affirmed. Ms. Joens quit her employment for good cause attributable to the employer. Benefits are allowed, provided she satisfies all other conditions of eligibility.

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Carolyn F. Coleman  
Administrative Law Judge

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Decision Dated and Mailed

cfc/pjs