

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

KRISTA L RICHARDSON
6729 COUNTRY HILL RD APT 2
CEDAR RAPIDS IA 52402

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

Appeal Number: 04A-UI-04422-AT
OC: 03-21-04 R: 03
Claimant: Appellant (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, 4th 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.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Krista L. Richardson filed a timely appeal from an unemployment insurance decision dated April 15, 2004 reference 03 which disqualified her for benefits upon a finding that she had voluntarily left employment with Wal-Mart Stores, Inc. on October 23, 2004 for personal reasons. Due notice was issued for a telephone hearing to be held May 5, 2004. Although Ms. Richardson provided a telephone number at which she could be contacted, the number was answered by a recording when called at the time of the hearing. The employer elected to rely upon information in the administrative file and documents it had submitted in advance of the appeals hearing.

FINDINGS OF FACT:

Having examined all matters of record, the administrative law judge finds: Krista L. Richardson was employed by Wal-Mart Stores, Inc. from April 2003 until she resigned on October 23, 2003. Ms. Richardson resigned because her wages meant that she would lose her low rent assistance, medical care and food stamps.

REASONING AND CONCLUSIONS OF LAW:

The question is whether Ms. Richardson's separation from employment was a disqualifying event. It was.

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 statute in question allows for unemployment insurance benefits following a resignation if, and only if, the resignation was for a good cause attributable to the employer. The evidence in the record establishes that Ms. Richardson resigned because of personal reasons, nothing that was the fault of Wal-Mart. Benefits must be withheld.

DECISION:

The unemployment insurance decision dated April 15, 2004 reference 03 is affirmed. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

sb/kjf