

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MICHELLE J MAYNES
Claimant

APPEAL NO. 06A-UI-11178-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WAL-MART STORES INC
Employer

OC: 10/15/06 R: 03
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

Michelle J. Maynes (claimant) appealed a representative's November 17, 2006 decision (reference 02) that concluded she was not qualified to receive unemployment insurance benefits, and the account of Wal-Mart Stores, Inc. (employer) would not be charged because the claimant voluntarily quit her employment for reasons that do not qualify her to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on December 4, 2006. The claimant participated in the hearing. Amy Hook, the store manager, and Helen Hickman appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit her employment for reasons that qualify her to receive unemployment insurance benefits?

FINDINGS OF FACT:

The claimant started working for the employer in March 2005. Prior to her employment separation, the claimant worked full time in the bakery department. Hickman was the claimant's supervisor.

Prior to late December 2005, there was a great deal of stress and tension in the claimant's department. The claimant believed the department manager, T., verbally abused the claimant and other employees. Even though the claimant talked to Hook about some problems in the department, the employer did not realize the claimant believed T. verbally abused her and other employees. In late December 2005, T. no longer managed the department, which resolved this issue.

At various times during her employment, Hickman reprimanded the claimant for talking too much at work. The claimant did not appreciate being reprimanded. During her employment, the claimant had a number of absences. Although Hickman may have expressed frustration when

the claimant indicated she needed time off for her daughter's surgery, the employer allows employees time off for family health concerns.

The claimant decided to move for compelling personal reasons. The claimant informed the employer about this decision. The claimant submitted paperwork to transfer to a store in the town where the claimant moved. Even though the claimant's transfer request was denied, the claimant's last day of work was March 31, 2006, because she moved.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if she voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5-1. The claimant voluntarily quit her employment. When a claimant quits, she has the burden to establish she quit with good cause attributable to the employer. Iowa Code § 96.6-2. The law presumes a claimant voluntarily quits without good cause when she leaves employment because she moves to another locality. 871 IAC 24.25(2).

The claimant quit her employment because she decided to relocate for compelling personal reasons. Even though the claimant had compelling reasons for relocating, the claimant quit for reasons that do not qualify her to receive unemployment insurance benefits. As of October 15, 2006, the claimant is not qualified to receive unemployment insurance benefits.

DECISION:

The representative's November 17, 2006 decision (reference 02) is affirmed. The claimant voluntarily quit her employment for reasons that do not qualify her to receive unemployment insurance benefits. The claimant is disqualified from receiving unemployment insurance benefits as of October 15, 2006. This disqualification continues until she has been paid ten times her weekly benefit amount for insured work, provided she is otherwise eligible. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw