

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ANNE E REGNIER**

Claimant

**APPEAL NO. 07A-UI-04157-AT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WAL-MART STORES INC**

Employer

**OC: 03/18/07 R: 02  
Claimant: Respondent (2)**

Section 96.5-1 – Voluntary Quit  
Section 96.3-7 – Recovery of Overpayments

**STATEMENT OF THE CASE:**

Wal-Mart Stores, Inc., filed a timely appeal from an unemployment insurance decision dated April 11, 2007, reference 01, that allowed benefits to Anne E. Regnier. After due notice was issued, a telephone hearing was held May 8, 2007, with Ms. Regnier participating. Store Manager Luke Nordquist and District Human Resources Manager Sherrill Wiley participated for the employer. Claimant Exhibit A was admitted into evidence.

**ISSUE:**

Did the claimant leave work with good cause attributable to the employer?

**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: Anne E. Regnier was employed by Wal-Mart Stores, Inc., from March of 2005 until she resigned March 12, 2007. She last worked as an assistant manager on the overnight shift. At the end of her shift on the morning of March 12, Store Manager Luke Nordquist called Ms. Regnier to a meeting in his office. District Human Resources Manager Sherrill Wiley was present. The purpose of the meeting was to conduct a coaching session. Mr. Nordquist intended to end the coaching session with a formal warning. During the course of the meeting, Ms. Regnier denied allegations that had been passed along to Mr. Nordquist by associates who worked on Ms. Regnier's shift. Ms. Regnier then gave a letter of resignation to be effective immediately to Ms. Wiley, who passed the note on to Mr. Nordquist. Ms. Wiley assured Ms. Regnier that she was not being discharged at this time. Ms. Regnier responded that her note spoke for itself.

In the months leading up to the resignation, Ms. Regnier had spoken to Ms. Wiley about her desire for a transfer to a non-managerial position.

Ms. Regnier has received unemployment insurance benefits since filing a claim for benefits effective March 18, 2007.

### **REASONING AND CONCLUSIONS OF LAW:**

The question is whether the evidence in this record establishes that the claimant left work with good cause attributable to the employer. It does 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 has the burden of proof. See Iowa Code section 96.6-2. An individual may receive unemployment insurance benefits if he or she leaves work because of intolerable or detrimental working conditions. See 871 IAC 24.26(4). On the other hand, an individual is disqualified for benefits if the individual resigns because of dissatisfaction with the work environment, a personality conflict with a supervisor, or because of a reprimand. See 871 IAC 24.25(21), (22), and (28), respectively.

Ms. Regnier's testimony does not establish that Mr. Nordquist was acting in bad faith in questioning her about allegations made by her subordinates. As store manager, it was his obligation to follow up on such matters. Ms. Regnier testified under oath that Mr. Nordquist had questioned her improperly about her political and religious affiliations. Also under oath, Mr. Nordquist denied the accusations.

It is clear from the evidence that Ms. Regnier was not comfortable with her position as assistant manager or her relationship with Mr. Nordquist. The administrative law judge finds nothing more than normal anxiety in this testimony. He finds no evidence of harassment or intolerable working conditions. While the evidence establishes that Ms. Regnier had good personal cause to leave a job she did not like, it does not establish good cause attributable to the employer. Benefits must be withheld.

During the hearing, both parties testified in general terms about comments made by unnamed coworkers. The administrative law judge has disregarded this testimony entirely, because it lacks sufficient indicia of reliability.

Ms. Regnier has received unemployment insurance benefits to which she is not entitled. These benefits must be recovered in accordance with the provisions of Iowa Code section 96.3-7.

**DECISION:**

The unemployment insurance decision dated April 11, 2007, reference 01, is reversed. 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. She has been overpaid by \$1,595.00.

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Dan Anderson  
Administrative Law Judge

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Decision Dated and Mailed

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